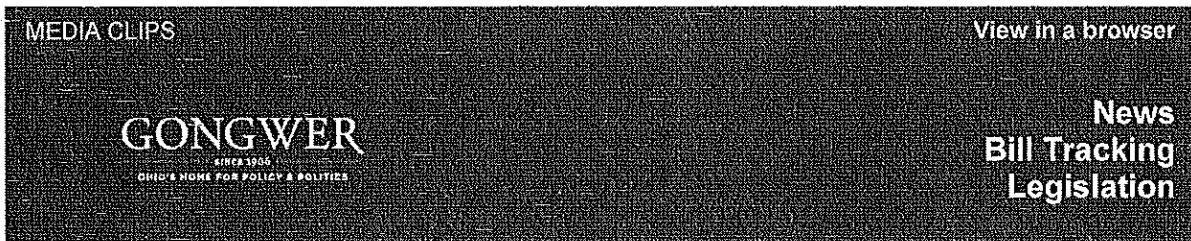


**From:** Gongwer News Service  
**Sent:** Thursday, June 14, 2018 8:18 AM  
**To:** Griffin, Lisa  
**Subject:** Ohio Media Clips, Thursday, June 14



## NEWS

**Ex-Rep. Gabby Giffords speaks against gun violence in Ohio (Associated Press, 6/14/2018)**

**Ohio's top court hears arguments on promotions tax dispute (Associated Press, 6/14/2018)**

**Mike Pence will be met with dancing drag queens in Columbus (Cincinnati Enquirer, 6/14/2018)**

**Poll: Ohio voters want to send message to Trump (Cincinnati Enquirer, 6/14/2018)**

**This 2018 poll has lots to make Ohio GOP worry (Cincinnati Enquirer, 6/14/2018)**

**Businesses want loans to fix failing multi-employer pension system (Cleveland Plain Dealer, 6/14/2018)**

**Jim Renacci's Senate campaign is staffing up for November 2018 Ohio election (Cleveland Plain Dealer, 6/14/2018)**

**Ohio dark-money group broke campaign-finance rules, group claims  
(Cleveland Plain Dealer, 6/14/2018)**

**Richard Cordray, Mike DeWine tied in latest poll. Sherrod Brown up big ... again. (Cleveland Plain Dealer, 6/14/2018)**

**Brown confident jobs safe at defense agencies in Whitehall (Columbus Dispatch, 6/14/2018)**

**Businesses warn of dire threat if multiemployer pension crisis is not addressed (Columbus Dispatch, 6/14/2018)**

**DeWine fights union plea for clothing allowance payments (Columbus Dispatch, 6/14/2018)**

**DeWine, Portman will share spotlight during Pence visit (Columbus Dispatch, 6/14/2018)**

**List of Ohio doctors approved to recommend medical marijuana grows (Columbus Dispatch, 6/14/2018)**

**Partnership to free up more money for Ohio suicide prevention programs (Columbus Dispatch, 6/14/2018)**

**Quinnipiac poll: DeWine-Cordray race too close to call (Columbus Dispatch, 6/14/2018)**

**Republican auditor candidate says opponent doesn't understand job (Columbus Dispatch, 6/14/2018)**

**Gov. John Kasich more popular with Democrats in Ohio than Republicans, poll says (Dayton Daily News, 6/14/2018)**

**New polls show Sherrod Brown up big over Jim Renacci in US Senate race (Dayton Daily News, 6/14/2018)**

**Who is Rep. Jim Jordan's favorite liberal? The answer might surprise you. (Dayton Daily News, 6/14/2018)**

**Sen. Sherrod Brown: Farm Bill might aid Lake Erie (Toledo Blade, 6/14/2018)**

## **EDITORIALS**

**Beacon Journal/Ohio.com editorial board: Forward with public universities (Akron Beacon Journal, 6/14/2018)**

**Editorial: Expect to hear a 'voter purge' into November (Canton Repository, 6/14/2018)**

**Editorial: Voter registrations won't be canceled; Ohioans should use them (Columbus Dispatch, 6/14/2018)**

**Sutton: If DeWine opposes right-to-work he should say so (Youngstown Vindicator, 6/14/2018)**

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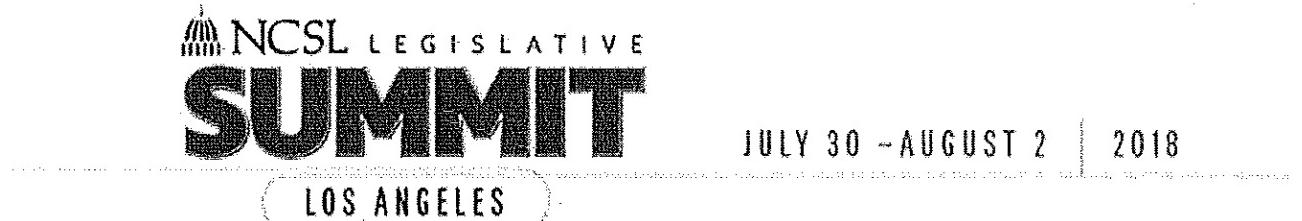
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**From:** Kristen Hildreth  
**Sent:** Monday, June 18, 2018 12:15 PM  
**To:** Griffin, Lisa  
**CC:** Ben Husch; Jennifer Schultz  
**Subject:** Reminder: NSCL 2018 Legislative Summit - Important Upcoming Deadlines



Members of the Natural Resources and Infrastructure Committee,

As we get closer to NCSL's 2018 Legislative Summit, July 30 – August 2 in Los Angeles, California, we wanted to remind you of three upcoming **IMPORTANT** dates:

- If you have not already registered, please do so at your earliest convenience. An “Advanced” registration rate of \$685 is available until July 11.
- **Any new policies OR amendments to existing policies must be submitted by COB Monday, July 2, two weeks from today.**
- The hotel deadline is July 11, 2018 by which time reservations must be completed in order to take advantage of NCSL’s discount room rates.

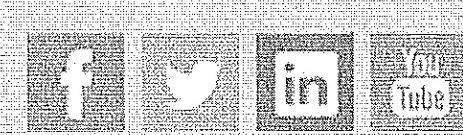
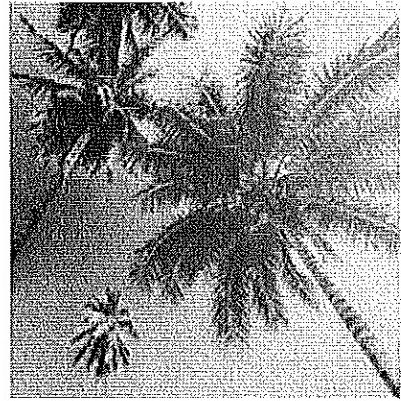
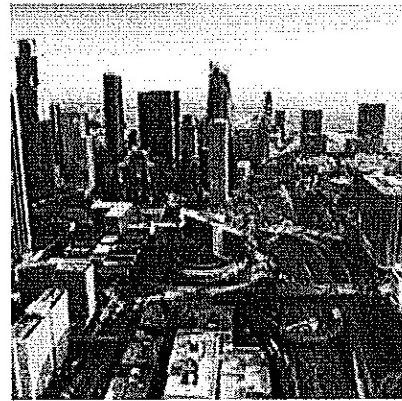
Additionally, the committee will meet during the afternoon of Monday, July 30 and the entire day of Tuesday, July 31. Our official business meeting is scheduled for Tuesday morning. Committee staff are in the process of finalizing the committee’s agenda, and anticipate a number of key issue sessions focused on:

- E-Bikes
- Housing and Transit-Oriented Development
- Increasing Consumer Access to New Fuels
- The Future of Motor Vehicle Fuel Economy Standards
- State Regulation of Drones – Establishing the Rules of the Road

A searchable online agenda is available [here](#).

If you have any questions or concerns about the meeting, please feel free to contact us and we look forward to seeing you all in California!

— NRI Committee Staff

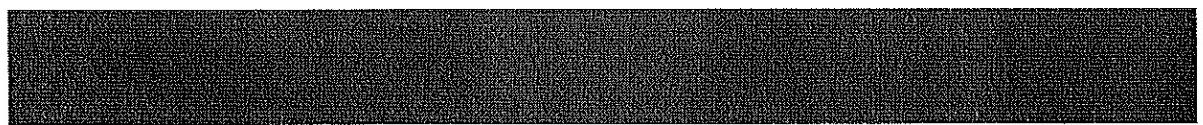
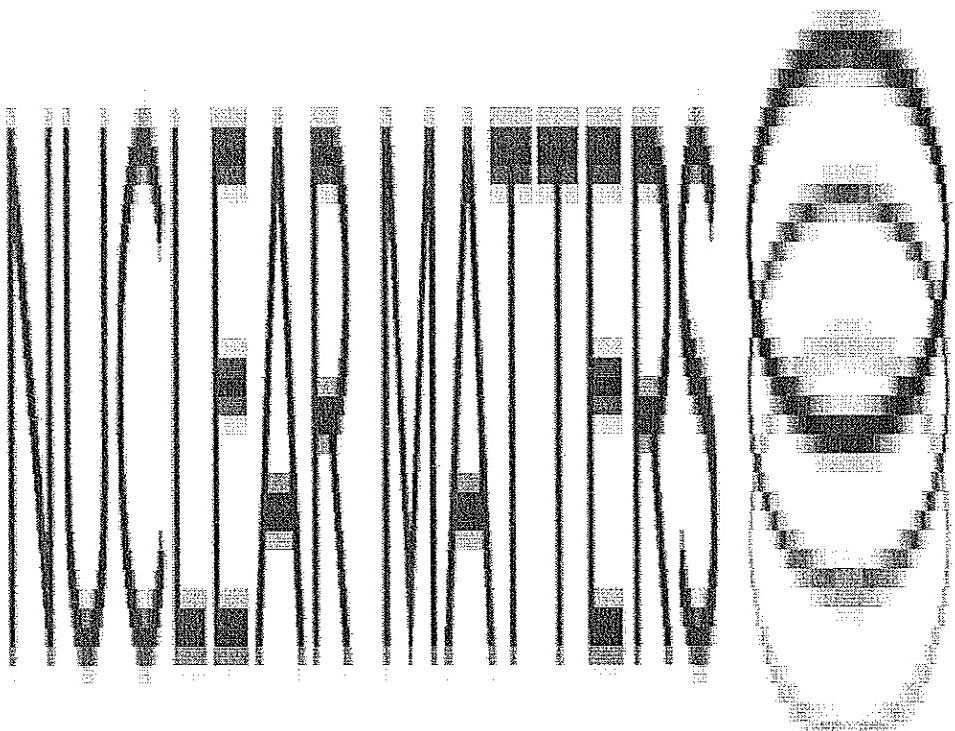


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Washington: 202-624-5400

**From:** Nuclear Matters  
**Sent:** Tuesday, June 19, 2018 7:17 AM  
**To:** Griffin, Lisa  
**Subject:** June Newsletter: There's Power in Numbers



Lisa,

**Teamwork makes the dream work.**

For the past several months, it's become clear how fortunate we are to have nuclear energy advocates like you on our team, and we've seen some promising change in the industry.

You've proven that there's power in numbers, and with your continued efforts, we can help enable proactive, smart policy to ensure nuclear energy has a bright future. For the latest on how to get involved, stay tuned to your inbox for more updates like these and follow us on Twitter and like us on Facebook for news and more info.

Thank you for being team players for nuclear energy. See why Nuclear Matters advocates are the real MVPs this month:

- **The 2018 Nuclear Energy Assembly (NEA) was a success**, bringing together hundreds of nuclear visionaries to discuss the future of the industry. Here are our top takeaways from the event.
- **You spoke. We listened.** Nuclear Matters advocates shared inspiring stories about the impact of nuclear energy on their lives. (PS If you have a story to tell, scroll down!) Take a look:
  - Young people are powering the industry, and they've got more than enough energy to do it.
  - It's a family matter, and the closing of nuclear plants is personal.
  - Our advocates go the distance for affordable, reliable energy.

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**Take Action**

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Your voice matters.

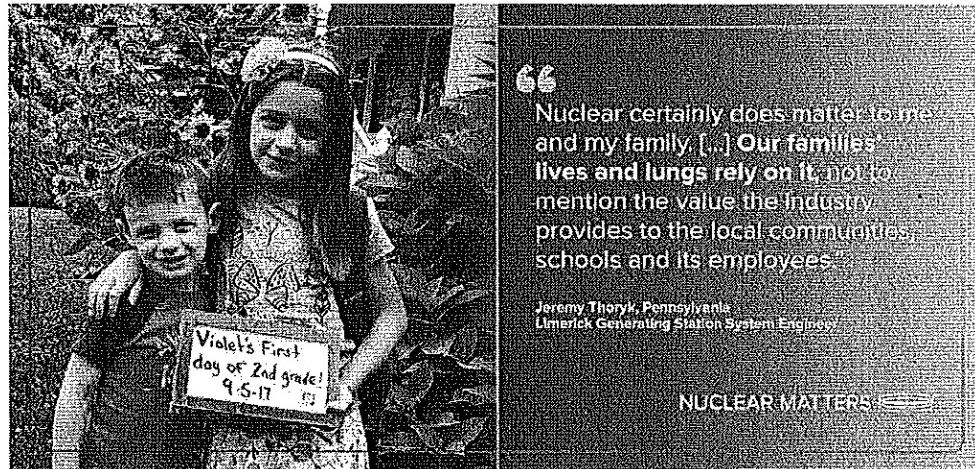
**As a nuclear energy advocate**, you have the power to affect real change in the industry.

We know that closing nuclear plants has devastating impacts to the communities they serve – and the entire country. If we’re going to stop the attack on clean energy sources in Ohio and Pennsylvania, we need to make our voices heard. The first step is showing our elected officials that this is a real issue affecting real people.

Email us at [info@nuclearmatters.com](mailto:info@nuclearmatters.com) to submit a photo of you and your family along with your story about what nuclear means to you.

**Click here to email us your photo and story.**

Time is running out to save these plants – take action right now!



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In Case You Missed It

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- Nuclear Matters welcomed Peter B. Lyons and Stan Wise to the Advocacy Council this month. These two advocates bring many years of diverse experience to the coalition, and we're proud to have their support.
- Advocacy Council Member Carol Browner, former EPA administrator, declared nuclear energy as a path forward for environmental advocates in a Morning Consult op-ed.



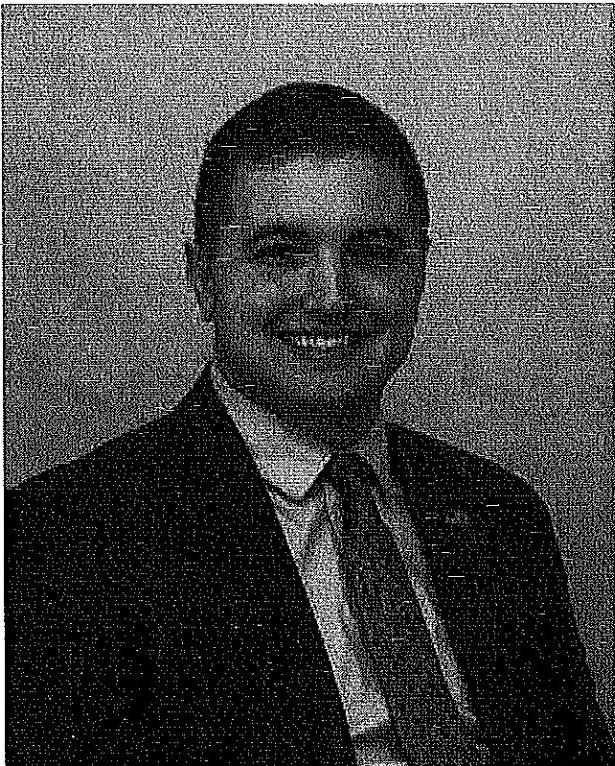
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**From:** Fleck, Craig  
**Sent:** Friday, June 22, 2018 3:42 PM  
**To:** GOP\_All  
**Subject:** New GOP Additions

# WELCOME

When you get a free minute, please make sure to introduce yourself and welcome the newest members of our team.



**Tyler  
Herrmann,  
Deputy Legal  
Counsel /  
Policy Advisor**

Tyler is from Harrison, Ohio and holds a Juris Doctorate from the University of Cincinnati and a Political Science degree from Wright State University. Tyler served in the United States Air Force as an Operations Intelligence Analyst NCO and currently serves as a JAG Attorney for the United States Army. He currently presides as the Chairman for the Ohio Chapter of the Republican National Lawyers Association, and as the Treasurer for the Cap City Young

Republicans. Tyler transferred to the House from the Attorney General's Office where he served as an Assistant Attorney General within the Executive Agencies Section.

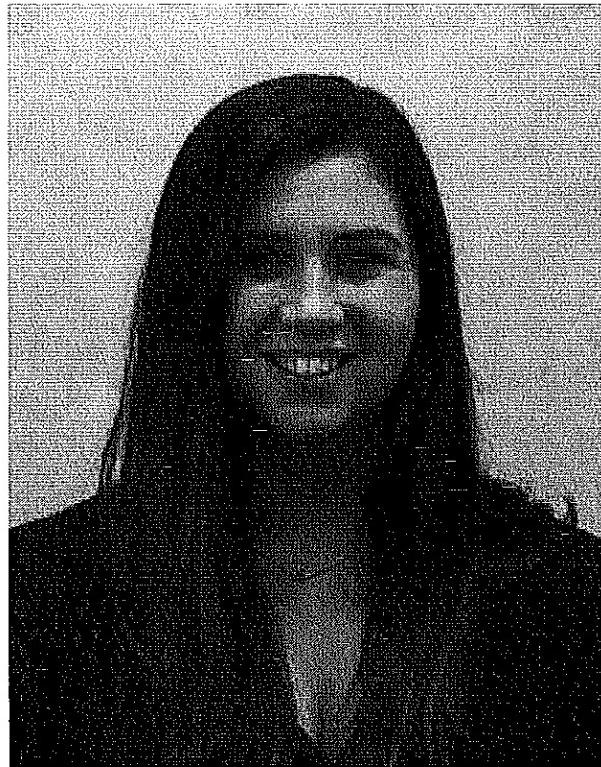
## James Kennedy, LA Merrin



James is from Palm City, Florida and an alum of Florida, Atlantic University where he graduated with a degree in Political Science. While in college he had the opportunity to serve as a Tax and Fiscal Policy Intern for the American Legislative Exchange Council (ALEC). James has an extensive research background serving as a Legal Research Analyst Intern for the Buckeye Institute and as a Political-Military Analyst Intern for the Hudson Institute. Prior to arriving to the House, he served as a Legislative Assistant for the Tennessee Legislation Service in Nashville. In James' free time, he enjoys collecting sports memorabilia and claims to have personally met nearly every

major league baseball superstar.

## Lauren Reid, LA Butler



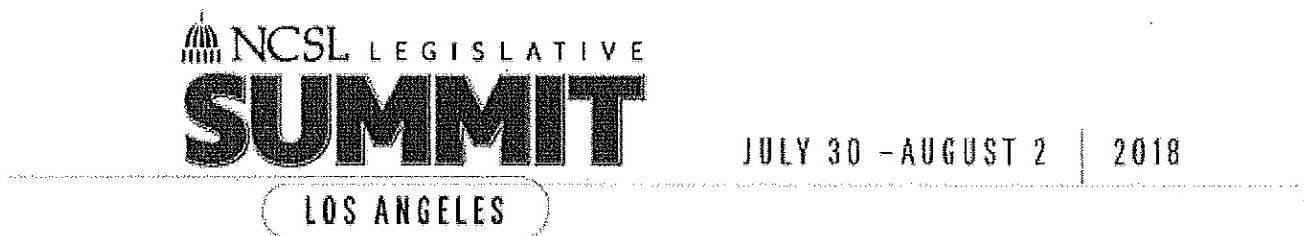
Lauren is from Madison, Connecticut, and recently graduated from the University of Dayton with degrees in Criminal Justice and Political Science with a minor in Spanish. While at Dayton, she served as a Statehouse Civic Scholar, where she was assigned an internship working for the Governor's communication team. Lauren had the unique experience of traveling to Segovia, Spain, where she participated in a four-week immersion program. During the winter months whenever she gets the opportunity, she enjoys to snowmobile.

## Craig Fleck

Deputy Administrative Officer  
Ohio House of Representatives  
77 South High Street, 12<sup>th</sup> Floor

Columbus, Ohio 43215  
Cell: 440.376.6098  
Office: 614.466.2175  
[Craig.fleck@ohiohouse.gov](mailto:Craig.fleck@ohiohouse.gov)

**From:** Ben Husch  
**Sent:** Monday, June 25, 2018 1:34 PM  
**To:** Griffin, Lisa  
**CC:** Kristen Hildreth; Jennifer Schultz  
**Subject:** Reminder: NSCL 2018 Legislative Summit - Important Upcoming Deadlines



Members of the Natural Resources and Infrastructure Committee,

As we get closer to NCSL's 2018 Legislative Summit, July 30 – August 2 in Los Angeles, California, we wanted to remind you of three upcoming **IMPORTANT** dates:

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- **Any new policies OR amendments to existing policies must be submitted by COB Monday, July 2, one week from today**
- The hotel deadline is July 11, 2018 by which time reservations must be completed in order to take advantage of NCSL’s discount room rates.

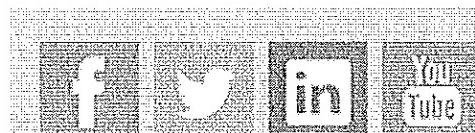
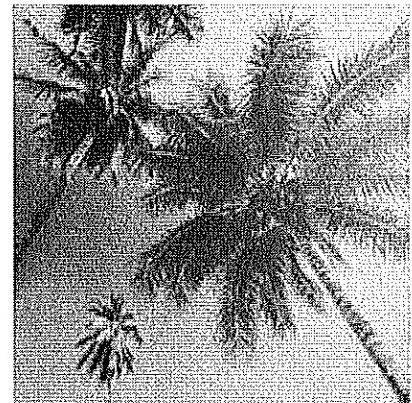
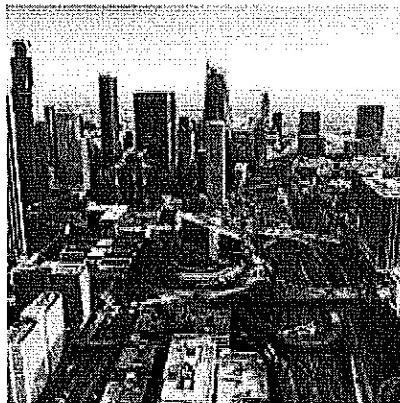
Additionally, the committee will meet during the afternoon of Monday, July 30 and the entire day of Tuesday, July 31. Our official business meeting is scheduled for Tuesday morning. Committee staff are in the process of finalizing the committee’s agenda, and anticipate a number of key issue sessions focused on:

- E-Bikes
- Housing and Transit-Oriented Development
- Increasing Consumer Access to New Fuels
- The Future of Motor Vehicle Fuel Economy Standards
- State Regulation of Drones – Establishing the Rules of the Road

A searchable online agenda is available [here](#) (Use the “Natural Resources and Infrastructure” track).

If you have any questions or concerns about the meeting, please feel free to contact us and we look forward to seeing you all in California!

– NRI Committee Staff



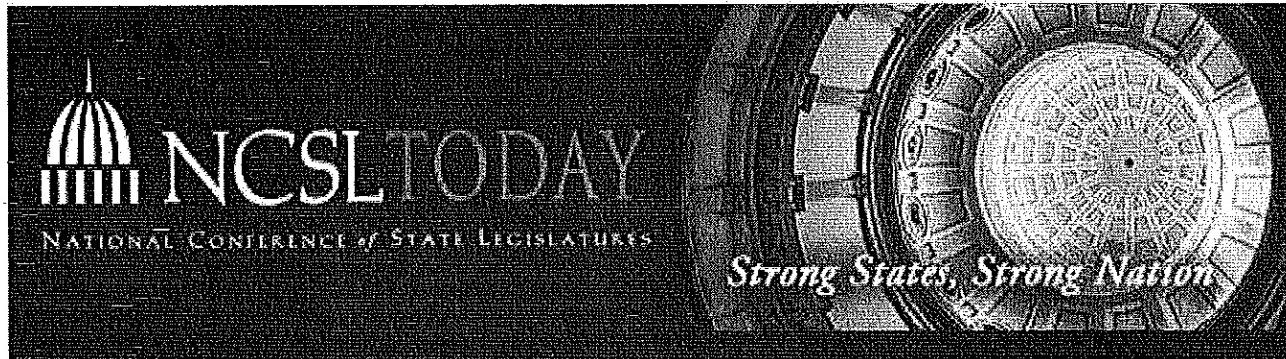
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**From:** NCSL TODAY  
**Sent:** Wednesday, June 27, 2018 11:07 AM  
**To:** Griffin, Lisa  
**Subject:** Supreme Court delivers sharp blow to unions

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## TOP NEWS June 27, 2018

### Supreme Court delivers sharp blow to unions

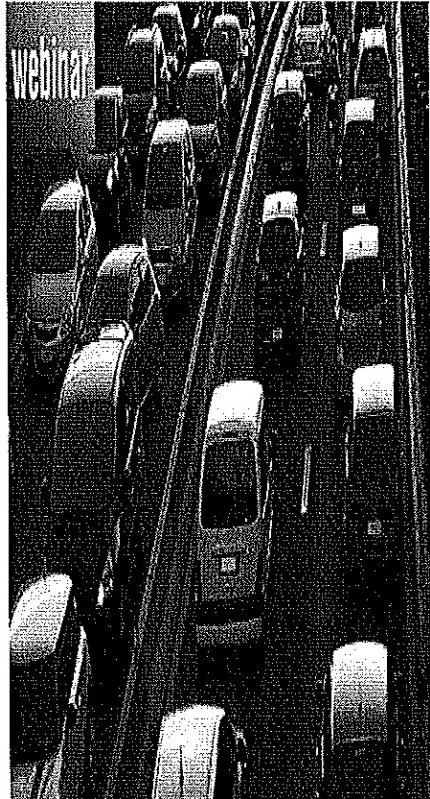
*The New York Times*

The Supreme Court on Wednesday dealt a major blow to organized labor. By a 5-to-4 vote, with the more conservative justices in the majority, the court ruled that government workers who choose not to join unions may not be required to help pay for collective bargaining.

### Court rules Virginia House districts unconstitutionally racially gerrymandered

*Richmond Times-Dispatch*

A federal court ruled Tuesday that the Virginia House of Delegates unconstitutionally packed African-American voters into 11 legislative districts and ordered the General Assembly to draw new district lines by Oct. 30.



View this email in your browser

## **California lawmakers advance last-minute data privacy bill**

*Associated Press*

California state senators advanced a last-minute internet privacy bill Tuesday ahead of a deadline while acknowledging it would need changes if it becomes law. The bill would let consumers ask companies what personal data they collect and opt out of having their data sold, among other privacy provisions.

## **Oklahoma voters approve medical marijuana**

*CNN*

The measure requires a medical marijuana license with approval from an Oklahoma Board certified physician, that would be issued by the state's Department of Health. It also establishes a minimum age of 18 for medical marijuana licenses, although younger applicants can get an exception if a parent or guardian, and two doctors sign. **NCSL data cited.**

[NCSL resources on medial marijuana.](#)

## **California abortion ruling puts other states' laws in doubt**

*Governing*

Supreme Court justices on Tuesday sided with anti-abortion groups in a case over what information crisis pregnancy centers have to give patients.

## **Kansas conservatives push to restrain state Supreme Court after schools ruling**

## **Webinar Thursday: Federal infrastructure funding - an update while we wait**

One of the most talked-about possibilities for federal action in 2018 is a new infrastructure bill that aims to inject what nearly all experts agree is a significant boost of funds for many of our national infrastructure systems.



## **Webinar Wednesday: Patient barriers to opioid use disorder treatment**

## **Capitol to Capitol: 'In the name of federalism and free markets'**

## **Connect with the new NCSL Events mobile app**



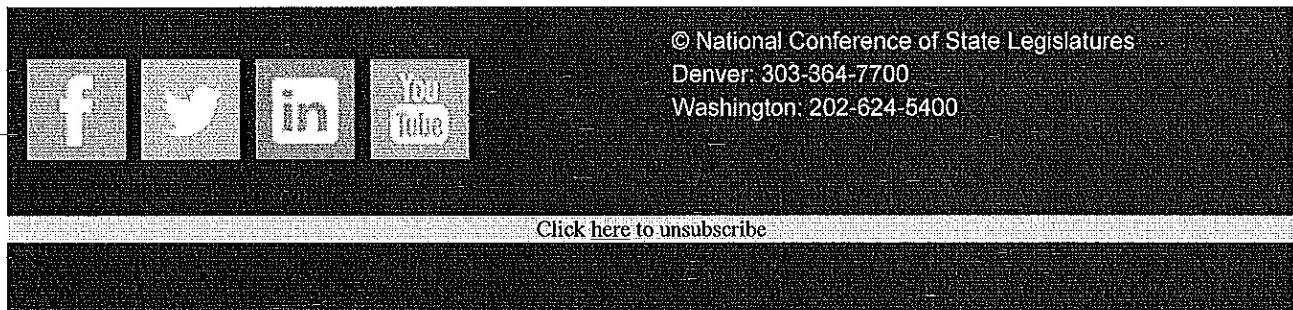
## **Can you track me now? Not without a warrant**

In a long-awaited decision in *Carpenter v. United States*, the U.S. Supreme Court held 5-4 that the Fourth Amendment requires the

*Wichita Eagle*

Calls for a state constitutional amendment to restrain the Kansas Supreme Court are growing louder after the justices ruled again that lawmakers are not adequately funding schools.

= A



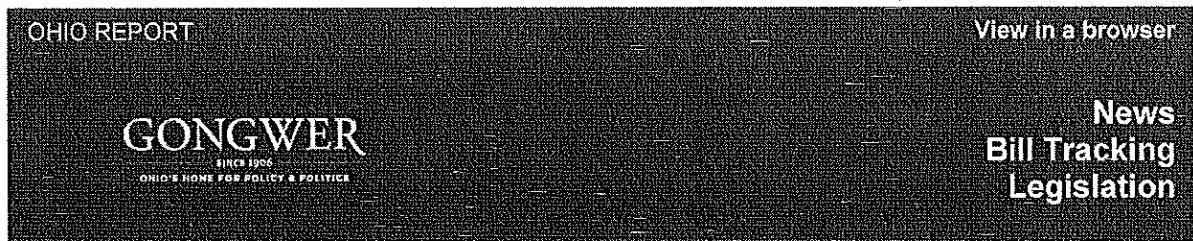
7700 East First Place, Denver, CO 80230

**From:** Gongwer News Service  
**Sent:** Wednesday, June 27, 2018 10:11 PM  
**To:** Griffin, Lisa  
**Subject:** Ohio Report, Wednesday, June 27, 2018  
**Attachments:** Jun27Senate.htm; 180627dayplan.htm; Jun27.htm; Jun27House.htm

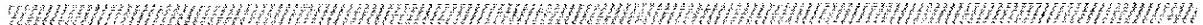
**Follow Up Flag:** Follow up

**Flag Status:** Flagged

**Categories:** PRR



## OHIO REPORT WEDNESDAY, JUNE 27



**Lake Erie, Voting Machine Funding Among Bills Headed To Governor**

**Bills On Religion, Pharmacy Benefit Managers Among Dozens Backed By House**

**Senate Passes Measures Focused On Reducing Regulations**

**Bills Amended To Enhance Online School Oversight Head To Governor**

**Senate Panel Delays Vote On Energy Standards, Wind Setback Bill**

**Proposed Regulations Inspired By State Fair Ride Death Get Initial Hearing**

**High Court Strikes Down 'Agency Fees' For Public Sector Unions; Kennedy Announces Retirement**

**Chairman: Senate Looking For Balance With Payday Lending Measure**

**Prosecutors Praise Beefed Up Parole Monitoring Bill**

**Senate Releases Session Calendar**

**Governor's Appointments**

**Supplemental Agency Calendar**

**Supplemental Event Planner**

**Senate Committee Hearings**

**Energy&Natural Resources**

**Government Oversight&Reform**

**Finance**

**Transportation, Commerce&Workforce**

**Education**

**House Committee Hearings**

**Agriculture&Rural Development**

**Insurance**

**Government Accountability&Oversight**

**Health**

**Civil Justice**

## **ACTIVITY REPORTS**

**House**

**Senate**

## **CALENDARS**

**Day Planner**

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## Senate Activity for Wednesday, June 27, 2018

### INTRODUCED

**SB 313** **COLLEGE APPLICATION MONTH (Schiavoni, J.)** To establish the College Application Month program. Am. 3314.03, 3326.11, and 3328.24 and to enact sections 3313.6024 and 3333.301.

**SB 314** **SCHOOL PSYCHOLOGISTS (Schiavoni, J.)** With regard to mental health services in public and nonpublic schools, to require school districts to employ school psychologists and intervention specialists, to provide an additional state payment to school districts for school psychologist and intervention specialist services, and to make an appropriation. Am. sections 3314.03 and 3326.11 and to enact sections 3301.0730, 3317.26, 3319.077, and 3319.078 of the Revised Code and to amend Section 265.10 of Am. Sub. H.B. 49 of the 132nd General Assembly and Section 265.210 of Am. Sub. H.B. 49 of the 132nd General Assembly, as subsequently amended.

### PASSED

**HB 18** **SPECIAL ELECTIONS (Pelanda, D., Rutherford, W.)** to eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances; to authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers, to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices; and to require that, upon request, county auditors, municipal fiscal officers, and their employees must share lodging tax return information with the directors of convention and visitors' bureaus operating in their counties.  
(32-0 (Earlier REPORTED-SUBSTITUTE)  
Gongwer Coverage

**HB 87** **COMMUNITY SCHOOLS (Roegner, K.)** Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of the enrollment records of a community school, to clarify the time period within which a school district emergency levy or substitute levy may be renewed or replaced, to clarify the responsibilities of a school district treasurer regarding the signing or executing of certain documents, to require the State Board of

Education to adopt standards for learning management software for internet- and computer-based community schools, regarding qualification for state payments by internet- or computer-based community schools, regarding joint health and medical insurance programs by political subdivisions and county boards of developmental disabilities, regarding submission of five-year financial forecasts by public schools, and regarding the moratorium on certain provisions affecting community schools and school districts whose enrollments were affected due to enrolling students of a suspended e-school.  
32-0 (Schiavoni & Skindell) Earlier REPORTED-AMENDED

Gongwer Coverage

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**HB 95**

**DISTRACTED DRIVING (Hughes, J., Seitz, B.)** To establish an enhanced penalty for committing a moving violation while distracted if the distraction is the apparent cause of the violation and to reenact provisions of law that specified that certain electronic wireless communications device violations were allied offenses of similar import.

31-1 (Jordan)

Gongwer Coverage

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**HB 168**

**CEMETERY REGISTRATION (Stein, D.)** To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, to allow the Board of Embalmers and Funeral Directors to review and vote upon certain license suspensions by telephone, to make various other changes to the embalmers, funeral directors, and crematory licensing laws, and to make an appropriation.

32-0

Gongwer Coverage

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**HB 263**

**OUTDOOR DINING AREAS (Lanese, L.)** To generally allow an owner, keeper, or harborer of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation.

32-0

Gongwer Coverage

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**HB 312**

**POLITICAL SUBDIVISION SPENDING (Schuring, K., Greenspan, D.)** To regulate the use of credit cards and debit cards by political subdivisions, to modify the duties and powers of the Auditor of State, to specify that electronic submission of a public record request entitles the requestor to damages if the public office fails to comply with the Public Records Act, to make changes to

the law governing financial planning and supervision commissions, and to authorize a property tax abatement for certain property subject to a submerged land lease and held by a municipal corporation.

32-0 (Earlier REPORTED-SUBSTITUTE (No testimony)

Gongwer Coverage

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**HB 336** ■ **LICENSE FEES** (Barnes, J., Greenspan, D.) To prohibit the imposition of driver's license and temporary instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative.

32-0

Gongwer Coverage

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**HB 347** ■ **ROAD NAMING** (Kelly, B., Dever, J.) To designate multiple memorial highways.

32-0 (Earlier REPORTED-SUBSTITUTE)

Gongwer Coverage

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**SB 119** ■ **OPIOID MEDICATIONS** (Hackett, B., Hottinger, J.) Regarding naltrexone and medication-assisted treatment.

32-0

Gongwer Coverage

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**SB 229** ■ **CONTROLLED SUBSTANCES** (Eklund, J.) To modify the laws pertaining to regulation of controlled substances and to make other changes in the laws administered by the State Board of Pharmacy.

32-0

Gongwer Coverage

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**SB 255** ■ **OCCUPATIONAL LICENSING** (McColley, R.) To establish a statewide policy on occupational regulation, to require standing committees of the General Assembly to periodically review occupational licensing boards regarding their sunset, and to require the Legislative Service Commission to perform assessments of occupational licensing bills and state regulation of occupations.

24-8 (Earlier REPORTED-SUBSTITUTE)

Gongwer Coverage

**SB 273** **RATING AGENCIES** (Hackett, B.) To enact for the Revised Code a definition of the term "rating agency."

32-0

Gongwer Coverage

**SB 293** **ADMINISTRATIVE REGULATIONS** (Peterson, B., McColley, R.) To require agencies to reduce the number of regulatory restrictions.  
23-9 (Earlier REPORTED-SUBSTITUTE)

Gongwer Coverage

**SCR 21** **APPALACHIAN STORAGE HUB** (Balderson, T.) To urge the Congress of the United States to enact various bills advancing the development of an Appalachian storage hub.  
31-1 (Skindell)  
Gongwer Coverage

**SCR 23** **FEDERALISM** (Obhof, L., Peterson, B.) To reassert the principles of federalism found throughout the Constitution of the United States of America and embodied in the Tenth Amendment, to notify Congress to limit and end certain mandates, and to insist that federal legislation contravening the Tenth Amendment be prohibited or repealed.  
25-7  
Gongwer Coverage

#### **INFORMALLY PASSED**

**SB 86** **DAY DESIGNATION** (Hackett, B.) To designate multiple memorial highways and bridges, to create multiple nonstandard license plates, to create multiple special designations, and to designate John Glenn's childhood home as a state historic site.

#### **SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 66** **CRIMINAL LAWS** (Eklund, J., Tavares, C.) To modify criminal sentencing and corrections law by including the promotion of effective rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility

criteria and procedures for granting pre-trial diversion and intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation; to extend the State Highway Patrol's authority to enforce criminal laws to also apply to the Northeast Ohio Correctional Center; to modify the penalty for an employer's failure to remit state income taxes withheld from an employee; and to authorize the conveyance of state-owned real estate.

29-0

[Gongwer Coverage](#)

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**SB 127**

**WASTE COLLECTION VEHICLES (LaRose, F.)** To require motor vehicle operators to take certain actions upon approaching a stationary waste collection vehicle collecting refuse on a roadside.

29-0

[Gongwer Coverage](#)

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**SB 135**

**VOTING EQUIPMENT (LaRose, F.)** To make supplemental operating appropriations for the FY 2018-FY 2019 biennium and supplemental capital appropriations for the FY 2017-FY 2018 biennium to implement a voting machine and equipment acquisition program.

31-1 (Jordan)

[Gongwer Coverage](#)

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**SB 216**

**SCHOOL REGULATIONS (Huffman, M.)** To enact the "Ohio Public School Deregulation Act" regarding the administration of preschool and primary and secondary education programs, to add the territory of Summit County to the Stark State College District, and to prescribe procedures for appointing the board of trustees of the combined technical college district.

28-1 (Brown)

[Gongwer Coverage](#)

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**SB 220**

**CYBERSECURITY (Hackett, B., Bacon, K.)** To provide a legal safe harbor to covered entities that implement a specified cybersecurity program, to allow transactions recorded by blockchain technology under the Uniform Electronic Transactions Act, and to alter the definition of "key employee" under the Casino Gaming Law.

29-0

Gongwer Coverage

**SB 221** ■ **AGENCY RULEMAKING (Uecker, J.)** To reform agency rule-making and legislative review thereof.  
23-6  
Gongwer Coverage

**SB 239** ■ **REGIONAL GOVERNMENT COUNCILS (Dolan, M.)** To modify the law concerning regional councils of governments to clarify that a municipal corporation eligible to designate a tourism development district may designate more than one district, to specify that the American Law Institute's approved "Restatement of the Law, Liability Insurance" does not constitute the public policy of Ohio, to designate a portion of U.S. Route 33 in Meigs County as the "Steve Story Memorial Highway," to designate a portion of Interstate Route 270 in Franklin County as the "Officers Anthony Morelli and Eric Joering Memorial Highway," and to designate the portion of U.S. Route 24 in Henry County as the "Henry County Veterans Highway."  
29-0  
Gongwer Coverage

**SB 299** ■ **WATER IMPROVEMENTS (Gardner, R., O'Brien, S.)** To credit additional amounts of the Local Government Fund to fund public safety services in areas that experienced a 30% or more decrease in the taxable value of certain power plants between 2016 and 2017, to phase out the payments over ten years, to increase the appropriation to the Local Government Fund; to support broadband development; to establish the OhioCorps Pilot Project; and to make appropriations, including appropriations for the protection and preservation of Lake Erie and the National Guard Scholarship Program.  
29-0  
Gongwer Coverage

**CONFERENCE REPORT ADOPTED**

**SB 1** ■ **DRUG OFFENSES (LaRose, F.)** To increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, except for drug possession violations when the fentanyl-related compound is combined with marihuana or a Schedule III, IV, or V controlled substance and the offender did not know of the fentanyl content; to revise the manner of determining sentence for certain violations of the offense of

permitting drug abuse; and to add lisdexamfetamine to the list of schedule II controlled substances.

31-1 (Skinell)

**Gongwer Coverage**

**COMMITTEE HEARINGS**  
**Energy & Natural Resources**

- HB 114**      **RENEWABLE ENERGY** (Blessing, L.) To revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program.  
**(SCHEDULED BUT NOT HEARD (See separate story); 8th Hearing-Possible amendments & vote)**

- SB 51**      **LAKE ERIE** (Skinell, M., Eklund, J.) To authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement.  
**(REPORTED-AMENDED (No testimony); 4th Hearing-All testimony-Possible vote)**

Before reporting the measure, the committee adopted an amendment from Sen. Michael Skinell (D-Lakewood). The senator said his fellow lead cosponsor, Sen. John Eklund (R-Chardon), has also signed off on the change, which ensures that if state property lies within the district, the required assessment will not be forced upon the state.

**Government Oversight & Reform**

- HB 18**      **SPECIAL ELECTIONS** (Pelanda, D., Retherford, W.) To eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances. **(REPORTED-SUBSTITUTE; 2nd Hearing-All testimony-Possible amendments & vote)**

A substitute version offered by chairman Sen. Bill Coley (R-Liberty Twp.) rolls another measure (SB 252) into the bill that allows local elected officials to serve on the board of a convention and visitors' bureau.

In written proponent testimony, Secretary of State Jon Husted said the original measure will save taxpayer dollars. He noted that a special congressional election in 2016 with just one candidate costed \$340,000.

- HB 312**      **POLITICAL SUBDIVISION SPENDING** (Schuring, K., Greenspan, D.) Regarding use of credit cards and debit cards by political subdivisions.  
**(REPORTED-SUBSTITUTE (No testimony); 4th Hearing-All testimony-Possible amendments & vote)**

A substitute version of the bill offered by Sen. Matt Huffman (R-Lima) largely cleans up language in the bill and also continues a property tax abatement for the City of Lorain, Sen. Coley explained.

**HB 34**

**PUBLIC NOTICES (Hambley, S., Ryan, S.)** To authorize certain state agencies, local governments, and other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail. (**REPORTED-SUBSTITUTE (No testimony)**; 4th Hearing-All testimony-Possible amendments & vote)

Sen. Huffman offered an amendment accepted without objection to remove some sections pertaining to when electronic notices would not be allowed and to allow a recently elected public official to take public records training prior to taking office.

Another change allows a county prosecutor's office to represent port authorities, planning commissions and regional airport, Sen. Coley explained.

**SB 202**

**OFFENDER RE-ENTRY (Bacon, K., O'Brien, S.)** To require the Department of Rehabilitation and Correction to establish a reentry program for all offenders released from prison who it intends to have reside in a halfway house or similar facility but who are not accepted by any such facility; to require the Adult Parole Authority to establish maximum work-load and case-load standards for its parole and field officers and have enough trained officers to comply with the standards; to require that GPS monitoring used for offenders released from prison under such monitoring specify restrictions, including inclusionary zones and necessary exclusionary zones; to require the Department to establish system requirements for GPS monitoring of such offenders by the Department or third-party contract administrators; to require the Department to operate a statewide database for law enforcement use containing specified information about such offenders; to require that third-party administrators for GPS monitoring under a new contract with the Department provide and use a law enforcement-accessible crime scene correlation program; and to name the act's provisions the Reagan Tokes Law. (**CONTINUED (See separate story)**; 3rd Hearing-Proponent)

**SB 255**

**OCCUPATIONAL LICENSING (McColley, R.)** To establish a statewide policy on occupational regulation, to require standing committees of the General Assembly to periodically review occupational licensing boards regarding their sunset, and to require the Legislative Service Commission to perform assessments of occupational licensing bills and state regulation of occupations. (**REPORTED-SUBSTITUTE**; 4th Hearing-All testimony-Possible amendments & vote)

A substitute version of the bill offered by Sen. Joe Decker (R-Loveland) makes several changes, including adding factors to the list used in determining whether an occupational licensing board has demonstrated a public need. (Comp doc)

It also provides that occupational regulations that are created by adopting national standards used in at least 45 states are deemed to be narrowly tailored and the least restrictive.

In written opponent testimony, Jarrod Clabaugh, executive director of the Ohio Society of Association Executives, called for lawmakers to seek additional input on the bill.

John Graham, president and CEO of the Center for Association Leadership, called for the creation of a task force.

"We suggest that instead the legislature establish a task force to consider the problem of excessive occupational licensing and to develop ways to address that problem without weakening the protections to the public offered by governmental recognition of private certification programs," he wrote.

**Subscribers Note:** For full testimony see the [committee's website](#) under June 26.

## Finance

- HB 123** **LENDING LAWS** (Koehler, K., Ashford, M.) To modify the Short-Term Loan Act, to specify a minimum duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers.  
**(CONTINUED (See separate story); 5th Hearing-All testimony-Possible vote)**

## Transportation, Commerce & Workforce

- HB 347** **ROAD NAMING** (Kelly, B., Dever, J.) To designate a portion of I-71 in Hamilton County as the "Sonny L. Kim Memorial Highway." (**REPORTED-SUBSTITUTE (No testimony); 3rd Hearing-All testimony-Possible amendments & vote**)

Chairman Sen. Frank LaRose (R-Hudson) said the substitute version allows the legislation for to be used as a vehicle for the naming of multiple memorial stretches of highway honoring people killed in the line of duty.

- SB 293** **ADMINISTRATIVE REGULATIONS** (Peterson, B., McColley, R.) To require agencies to reduce the number of regulatory restrictions.  
**(REPORTED-SUBSTITUTE); 4th Hearing-All testimony-Possible amendments & vote)**

The committee accepted a substitute offered by Sen. Rob McColley, (R-Napoleon), who said the updated measure would apply the mandate to cut regulations by 30% statewide "at more of a macro level than the micro level."

Sen. McColley said his version would require every head of a cabinet-level department and every statewide elected official to inventory all regulations associated with their departments, as well as the commissions or agencies under them, and apply the 30% reduction "in the aggregate." He said the change was needed because some individual agencies or commissions might not have room to cut the percentage of regulations required by the original legislation.

"There are many state agencies that are already running pretty lean and already have very few rules," he said.

The substitute version also would give the Joint Committee on Agency Rule Review the authority to approve or deny the cuts, he said.

Sen. Matt Dolan (R-Chagrin Falls) said he agrees with the goal but has concerns the legislature may be ceding too much authority under the proposal.

"We're asking (agencies) to get rid of regulations that are contrary to legislative intent," he said. "I would rather be the one to dictate what legislative intent is."

Sen. McColley said he thinks the substitute bill "actually strengthened the authority of JCARR," and therefore, the legislature.

The panel reported the bill along party lines after accepting the substitute version.

Before accepting Sen. McColley's changes, the committee tabled a substitute bill offered by **Sen. Charleta B. Tavares** (D-Columbus) that she said would remove the requirement that regulations be cut by 30% across the board in the state. Her version instead would have instead required state agencies to cut regulatory restrictions until a reduction "deemed sufficient by the state agency in consultation with (JCARR) has been achieved," she said. She said the substitute version also would have prohibited agencies from removing regulations required by federal law, among other changes.

"What we're trying to do is enlist both JCARR and the agencies in identifying those regulations or statutes that should be removed ... so that we can make informed decisions," she said.

Ahead of the adoption of the substitute legislation, Greg Lawson, research fellow with the Buckeye Institute, said the state "desperately needs" the effort to cut unneeded regulations to boost the economy. He said the state's licensing requirements are more restrictive than most states.

"Requiring appropriate education and training for physicians, healthcare providers, pilots, and truck drivers helps safeguard the general public in our hospitals and on our roads and runways," he said. "But the same cannot be said with respect to auctioneers, travel guides, and hairdressers-all currently subject to Ohio's byzantine and overly restrictive licensing requirements."

Mr. Lawson said efforts to rein in regulations could lead to employers hiring more workers and employees earning more.

"Beyond occupational licensing reform, Ohio must also reexamine government mandates that interfere with market-pricing and make goods artificially more expensive for businesses," he said. "Such interference ultimately leads to slower job growth as businesses curtail hiring and wages in order to offset the artificially higher costs created by the mandates."

**SB 308**      **ELEVATOR LAW (Uecker, J., Yuko, K.)** To revise the Elevator Law.  
(CONTINUED; 1st Hearing-Sponsor)

**Sen. Joe Uecker** (R-Loveland) said in sponsor testimony the measure, which has companion legislation (**HB 236**) in the House, would "modernize" the state's elevator laws. "Taking elevators is a regular occurrence in our day to day lives and malfunctions can cause serious injuries to riders. SB308 seeks to codify industry standards and set licensure qualifications to help ensure the safety of both elevator riders and workers," he said. He said the measure would update the state's definition for elevators and create an Elevator Safety Review Board, among other changes.

**Sen. Kenny Yuko** (D-Richmond Hts.), the measure's other primary sponsor, said the bill also establishes new licensing and insurance requirements for elevator contractors, inspectors and mechanics.

"Our goal is to ensure the safety for the public and for those who work and install elevators. The best way for us to ensure a high level of safety is to ensure that all elevators are installed and maintained by licensed professionals."

**HCR 10**

**ANTI-SEMITISM (Thompson, A., Greenspan, D.)** To condemn the Boycott, Divestment, and Sanctions movement and increasing incidents of anti-Semitism. (**REPORTED-AMENDED**; 5th Hearing-All testimony-Possible amendments & vote)

Chairman LaRose amended the bill with language condemning white nationalists and other hate groups.

Sen. Tavares offered a substitute resolution, which would have condemned attacks and discrimination against all minority groups by hate groups including white nationalists and neo-Nazis, and remove references to the boycott movement.

"We can't say people can't talk," she said. "That goes against who we are as a nation and a state."

The panel tabled her proposal, and Sen. Tavares subsequently cast the lone vote against reporting the measure.

Prior to the report, Connie Hammond, a member of United Methodists for Kairos Response and the Free Speech Coalition of Ohio, said the legislation unfairly conflates the Boycott, Divestment, Sanctions movement with anti-Semitism and could be seen as a form of censorship.

"The International BDS movement is not anti-Semitic," she said. "The call to BDS issued by 170 Palestinian civil society organizations asked the international community to stand for freedom, equality and justice."

Sen. LaRose said he rejects the idea that the measure constituted any kind of censorship.

"There's nothing in here that restricts speech," he said.

**Education**

**HB 87**

**COMMUNITY SCHOOLS (Roegner, K.)** Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of a community school. (**REPORTED-AMENDED (See separate story)**; 4th Hearing-All testimony-Possible amendments & vote)

**SB 34**

**ACADEMIC YEAR (Manning, G.)** To generally require public and chartered nonpublic schools to open for instruction after Labor Day. (**Scheduled but not heard**); 7th Hearing-All testimony-Possible vote)

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## Daily Activity Planner for Thursday, June 28

### Legislative Committees

Joint Medicaid Oversight Committee (Committee Record) (Chr. Huffman, S., 466-7584), Rm. 313, 9 a.m.

- Behavioral Health Redesign Update from Barbara Sears, Director, Ohio Department of Medicaid and Emily Higgins, Chair, OAHM Behavioral Health Subcommittee
  - PBM Report from Barbara Sears, Director, Ohio Department of Medicaid Joint Ohio College Affordability Committee (Chr. Wilson, S., 466-9739), Senate Finance Hearing Rm., 10 a.m.
  - Overview of strategies for preserving and improving the affordability of a college education in Ohio by the Ohio Association of Community Colleges and the Inter-University Council of Ohio
- Joint Education Oversight Committee (Committee Record) (Chr. Manning, G., 466-8150), North Hearing Rm., 11:30 a.m.
- Presentations by Connie Shriver (Coordinator of Career & Academic Readiness Education at the Mid-East Career and Technology Centers), Mary Murphy (Manager of Adult Success Initiatives at Lorain Community College), and Greg Harp (Vice President of Graduation Alliance) on Adult Graduation Pathways
  - Presentations by the Ohio Department of Education and the Ohio Department of Job and Family Services on Early Childhood Programs
  - Update on progress of other research projects (tentative)

### Agency Calendar

Civil Rights Commission, Lobby Mtg. Rm., 1st Fl., 30 E. Broad St., Columbus, 9:30 a.m.

Elections Commission, Rm. East B., 31st Fl., 77 S. High St., Columbus, 10 a.m.

Business Gateway Steering Committee, 30 East Broad Street, Room 2925, Columbus, 1 p.m.

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

### Event Planner

Rep. Brian Hill (R-Zanesville) golf outing fundraiser, Eaglesticks Golf Club, 2655 Maysville Pike, Zanesville, 9:30 a.m., (9:30 am registration; 10:30 am shotgun start; 4:30 pm barbecue. Brian D. Hill for State Representative)

Rep. Stephanie Howse (D-Cleveland) & Rep. Janine Boyd (D-Cleveland Hts.) fundraiser, Lake Affect Studios, 1615 East 25th St., Cleveland, 5:30 p.m., (\$500, \$150, \$75, \$35 to Friends of Stephanie Howse, Friends of Janine Boyd)

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## Volume #87, Report #124 -- Wednesday, June 27, 2018

### Lake Erie, Voting Machine Funding Among Bills Headed To Governor

A busy day of lawmaking Wednesday saw a wide variety of bills sent to Gov. John Kasich's desk, including long-sought funding for new voting equipment and money to fight harmful algal blooms in Lake Erie.

In total, the two chambers sent 19 bills to the governor, including a pair dealing with oversight for charter schools. (*See separate story*)

The voting machine measure (SB 135) appropriates \$114.5 million to buy new equipment. The House had previously passed it, and the Senate voted 31-1 in to concur with a House amendment that updated the fiscal year in the language.

"We've had machines that in many cases are 15 years old," sponsor Sen. Frank LaRose (R-Hudson) said. "Our county boards of elections and folks all throughout Ohio are very excited about the prospect that maybe sometime this winter or next spring there may be a truck showing up with new voting machines."

"It's time that we got this done," Sen. LaRose, the Republican nominee for secretary of state, continued. "This is something we've been talking about for a while."

Rep. Kathleen Clyde (D-Kent), the Democratic nominee for secretary of state, touted the passage in a statement.

"Ohio has been in desperate need of voting system upgrades to meet the elections cybersecurity challenges we face today and to modernize our aging machinery," she said. "I am happy to see our boards of elections finally getting the resources they deserve after years of state budget cuts to local government funds. I was happy to support this bipartisan bill and will continue to ensure our counties are prepared for every elections challenge."

The Lake Erie measure (SB 299) began as a way to identify and financially support projects to combat harmful algal blooms. Among other provisions, it appropriates \$3.5 million in General Revenue Fund dollars to the Department of Agriculture for soil and water conservation districts and \$20 million to the Soil and Water Phosphorus Program.

The measure became a vehicle for spending-related amendments in the House Finance Committee Tuesday, but it collected only a few changes, making it more of a "modest decorated wreath" than a true "Christmas tree bill," as explained Wednesday by sponsoring Sen. Randy Gardner (R-Bowling Green).

Those amendments included \$7.1 million in disaster funding for 18 counties that sustained widespread flooding earlier this year. Other House-added items include \$1 million to boost broadband expansion efforts and \$1.5 million for the National Guard Scholarship. (See Gongwer Ohio Report, June 26, 2018)

It cleared the lower chamber in a unanimous vote after picking up an LSC technical amendment on the floor. The Senate then followed suit, approving the item 29-0.

Rep. Steven Arndt (R-Port Clinton), who sponsored companion legislation in the House, said the measure will go a long way toward reducing algal blooms in Lake Erie.

"This particular bill is really something that is extremely critical," he said.

Sen. Gardner called the bill a "classic example" of legislation in action given its bipartisan nature.

Both chambers accepted a conference report on a measure (SB 1) to toughen penalties for fentanyl traffickers.

The House approved the conference committee report 59-10, with Rep. Nathan Manning (R-N. Ridgeville) calling it a "very small change" in that it shifts the burden of proof to the prosecution to show a defendant knew of a fentanyl-related compound in his or her possession.

In the Senate, the vote was 31-1, with Sen. Michael Skindell (D-Lakewood) the only member opposed.

Sen. Skindell said the proposal doesn't just target traffickers, but also affects drug users. He also voiced concerns with how the state considers an aggregate amount of fentanyl, even if a little bit of fentanyl is mixed with a much greater amount of another drug.

"It not only throws the drug traffickers in jail, it throws the small users in jail," he said.

Sen. LaRose, the measure's sponsor, said the user would need to have reason to know it contained fentanyl to be charged.

"We did what we could to make sure that we truly are ensnaring the traffickers and not the addicts," he said. "We rely on reasonable prosecutors. We rely on reasonable judges and juries to do the work that they do."

A proposal initially designed to eliminate the need for a special election when only one candidate is on the ballot (HB 18) cleared the Senate unanimously but faced more opposition later in the evening when the House voted 67-22 to concur.

The dissent hinged on a provision added earlier in the day that allows some local elected officials to serve on the board of trustees of a convention and visitors' bureau. (See *committee listing*)

Rep. John Becker (R-Union Twp.) said the measure goes against an advisory opinion issued by the attorney general's office.

"The reason for that conflict is quite obvious," he said.

Rep. Dorothy Pelanda (R-Marysville) said if a conflict does exist, the public official can abstain from voting on a matter.

The bill also received opposition from Rep. Tom Brinkman (R-Cincinnati) who said in light of recent event, lawmakers should do all they can to avoid any hint of impropriety.

A measure (SB 66) to provide judges with more discretion in criminal sentencing also cleared both chambers.

Rep. Nathan Manning (R-N. Ridgeville), who ushered the bill through the House Criminal Justice Committee, called the measure a smart on crime bill. He also touted several of the bill's provisions, including one that allows for expanded record sealing.

"This is something that will get people back to work," he said.

Before voting 84-2 to move the bill back to the upper chamber, an amendment offered by Rep. Bill Seitz (R-Cincinnati) was accepted to make it clear that the number of felonies that can be sealed is five with an unlimited number of misdemeanors.

Rep. Jay Edwards (R-Nelsonville) and Rep. Tim Schaffer (R-Lancaster) cast the lone "no" votes.

The Senate voted 29-0 to approve the issue, with Sen. John Eklund (R-Chardon) and Sen. Charleta B. Tavares (D-Columbus) both urging support.

Sen. Eklund specifically pointed out a change that prevents those who have more than five felonies from pursuing the sealing of records. Although it runs somewhat contrary to the Senate's effort, Sen. Eklund said the change such a person would pursue that round "is slim."

"Notwithstanding that, I certainly think the amendments are salutary...and we've come to something that will make Ohio a more just place to live," he said.

Sen. Tavares too said she believes "the integrity and the strength of the legislation remains. We are trying to do what's fair and what's right and we really believe rehabilitation should be taken seriously."

Legislation (HB 318) initially designed to deal with qualification for school resource officers picked up several changes during its journey through the legislature, including having a measure (SB 246) prohibiting expulsion and suspension of young students rolled into it while in the upper chamber.

"Suspending a six-year-old child does absolutely nothing to help them," Rep. Sarah LaTourette (R-Chagrin Falls).

It cleared the lower chamber in a 69-20 vote, with Rep. Ron Hood (R-Ashville) speaking in opposition.

"This did not get vetted in committee the way it properly needed," he said.

A bill to add prongs to the Joint Committee on Agency Rule Review process cleared the House in a 73-19 vote after Rep. Dan Ramos (R-Lorain) raised concerns that the changes could make the body more partisan.

"It is not a committee where partisanship has come in to play," he said.

Other items sent to the governor included legislation to:

- Allow restaurants to let patrons to have dogs on outdoor patios (HB 263).
- Regulate credit and debit card use by political subdivisions and make other changes to how finances are handled by local governments (HB 312).
- Create a six-month pilot program to reduce driver's license reinstatement fees (HB 336).
- Designate roads after first responders and military personnel killed in the line of duty (HB 347).
- Waive the concealed carry license fee for active members of the armed forces and retired and honorably discharged veterans (SB 81).
- Require drivers to move over when passing waste collection vehicles (SB 127).
- Provide a legal safe harbor for companies that enact cybersecurity protections (SB 220).
- Boost the Joint Committee on Agency Rule Review's authority to clamp down on informal rulemaking among executive agencies (SB 221).
- Create more transparency in regional councils of government (SB 239).

- Waive the concealed carry license fee for active members of the armed services and retired and honorably discharged veterans (SB 81).
- Create an enhanced penalty for distracted driving (HB 95■).
- Overhaul the law relating to embalmers, crematory operators and cemeteries (HB 168■).

### **Bills On Religion, Pharmacy Benefit Managers Among Dozens Backed By House**

Legislation cited as "protecting" the religious beliefs of pastors and students, and a bill to limit charges from pharmacy benefit managers were among the slew of proposals receiving the House's stamp of approval during a marathon session Wednesday.

Also among the 31 measures passed in the first part of the session were a number of Senate bills that now advance to the desk of Gov. John Kasich thanks to Senate concurrence votes later in the day. The chamber also approved a conference committee report on a measure to boost penalties for drug trafficking and possession. (See *separate story*)

Regarding the religion-related legislation, both measures received substantial pushback from Democrats who contend they will open the door for discrimination.

The so-called Pastor Protection Act (HB 36■) shields faith leaders, societies and others from civil repercussions should they refuse to solemnize marriage outside their beliefs. The plan picked up a floor amendment from Rep. Bill Seitz (R-Cincinnati) providing that in the event of a conflict between the bill and current public accommodations law, the legislation will take precedent.

Rep. Dan Ramos (D-Lorain) made a motion to lay the amendment on the table, which was turned back by Republicans. Rep. Janine Boyd (D-Cleveland Hts.) also moved to amend the item, but her motion was ruled out of order following the adoption of Rep. Seitz's change.

Sponsor Rep. Nino Vitale (R-Urbana) reiterated his belief the legislation does not target LGBTQ citizens. He painted it as an attempt to relieve the "tension" between contrasting beliefs and assure faith leaders existing protections under the Constitution will remain.

"This is not a sword," Rep. Vitale said. "This is intended to be a shield and protect everyone's rights."

But Rep. Boyd argued the legislation's scope is too broad in that it does not limit its provisions to religious groups or pastors.

"It is in essence saying that proprietors of property or services that rent to the public at large can turn away members of the LGBTQ community," she said, before the chamber endorsed the measure 59-29.

Similarly, the chamber voted 62-20 for a plan (HB 428) from Rep. Sarah LaTourette (R-Chagrin Falls) and Rep. Tim Ginter (R-Salem) that states students should be permitted to conduct religious expression and activities in schools in the same manner students may conduct secular activity or expression.

Rep. Kent Smith (D-Euclid) moved to amend the bill with language he said would label head coverings as permitted religious attire.

Rep. Ginter, however, voiced reservations, saying the change would open up "a pathway that is not the intention of this bill. There is no specificity in this bill toward any religion and that is purposeful." The GOP-dominated chamber as a whole agreed, turning away the proposed tweak 56-32.

Several Democrats spoke against the bill, including Rep. Ramos, who said the legislation is so broad it would permit shirts with messaging stating LGBTQ youth will go to hell or that Jesus is not real, or targeting specific faiths. To that, Rep. Ginter replied the school still has the authority to ban obscene or distracting clothing or activities.

Among other bills, the pharmacy legislation (HB 479) - from Rep. Scott Lipps (R-Franklin) and Rep. Thomas West (D-Canton) - requires patients to be informed of affordable prescription options. And it limits PBMs, health plans or other administrators to charging no-more than what an individual would pay for a drug were it purchased without coverage.

"For too long, PBMs have used predatory practices to target consumers and independent pharmacies," Rep. Lipps said. "I am proud Ohio is taking a lead role to end these deceiving practices, while improving transparency and lowering out-of-pocket drug costs."

Added Rep. West: "Today is a happy day here in Ohio because lower prescription drug prices are on their way."

Several pieces of legislation pertained to laws related to sexual activity, including proposals prohibiting sexting by persons under 19 years of age (HB 355) and the nonconsensual dissemination of private sexual images (HB 497) or "revenge porn." Those measures passed unanimously - 85-0 and 81-0 respectively.

So too did legislation (HB 92) requiring an offender who knowingly commits public indecency to be viewed by a minor for the purpose of sexual gratification to register as a Tier 1 sex offender if ordered by a judge (80-0).

Legislation (HB 511) establishing 18 as the age at which a person can marry was also approved with wide support (78-0). The proposal provides an exception for a 17-year-old

with the consent of a juvenile court if the other spouse-to-be is not more than four years older.

"We do not allow minors to vote, to buy cigarettes or alcohol, to rent cars or apartments or to enter into other contracts yet we allow them to (marry) - one of the most important and impactful decisions of their young lives," said Rep. Laura Lanese (R-Grove City), lead cosponsor along with Rep. John Rogers (D-Mentor-on-the-Lake).

Democrats also attempted to amend a plan (HB 502) from Rep. Marlene Anielski (R-Walton Hills) that requires educators to take in-service training on youth suicide prevention every two years. Rep. Catherine Ingram (D-Cincinnati) sought to expand the bill to cover charter schools but the amendment was tabled 44-39 before the bill advanced 82-0.

The chamber also approved legislation:

- Granting civil immunity to medical providers and emergency medical technicians operating after a disaster (HB 7).
- Prohibiting certain terms from appearing in health care contracts between vision care providers and a contracting entity and establishing new disclosure requirements (HB 156).
- Establishing a regional kinship care navigator program (HB 126).
- Licensing home inspectors via the proposed Home Inspector Board (HB 211).
- Designating the month of April as "Respect Your Date Month" and requiring higher education institutions to adopt a policy regarding dating and domestic violence (HB 240). The chamber approved an emergency clause 75-6.
- Including search and rescue dogs and horses in the prohibition against assaulting or harassing a police animal (HB 349).
- Prohibiting consumer credit reporting agencies from charging a fee to freeze a consumer's credit report or to remove or temporarily lift a freeze (HB 386).
- Exempting police body camera and dashboard footage from public record laws under certain circumstances, such as if it depicts the identity of a child or the victim of a sex crime (HB 425).
- Authorizing a nonrefundable insurance company tax credit for contributing capital for transformational mixed use development construction (HB 469).
- Requiring the Department of Agriculture to regulate multi-parcel auctions (HB 480).

- Enacting a myriad of township changes including: increasing the obligations a board of township trustees may authorize its officers to incur, permitting a township to require reimbursement of emergency services levy revenue foregone because of the creation of a tax increment financing incentive district, and more (HB 500).
- Requiring the development and adoption of a new framework for teacher and administrator evaluations (HB 540).
- Permitting county prosecutors to enter into contract with regional airport authorities, port authorities or a regional planning commission as a legal adviser (HB 543).
- Requiring the Public Employees Retirement System Board to grant a full year of service credit to qualified members employed as nonteaching school employees of a county board of development disabilities (HB 572).
- Revising the probate process through various changes including disqualifying a person convicted of involuntary manslaughter from benefiting from the victim's death (HB 595).

### **Senate Passes Measures Focused On Reducing Regulations**

A pair of legislative efforts to rein in regulations cleared the Senate Wednesday, with Republicans saying the proposals would make life easier for businesses.

Democrats said the two measures were arbitrary efforts to reduce agency rules that don't get at the issue of targeting unneeded regulations and could reduce important oversight.

One of the items (SB 293) cleared the Senate Transportation, Commerce and Workforce Committee earlier Wednesday after the panel replaced it with a substitute version to apply the regulation-cutting mandate more broadly across state departments, rather than to individual agencies. (See *committee listing*)

As a result of the changes, the legislation would require departments overall to cut regulations by 30%, sponsor Sen. Bob Peterson (R-Sabina) said. It would also create a website where individuals and businesses can report burdensome regulations to the Joint Committee on Agency Rule Review.

"We need to know how many restrictions we have, we need to systematically review them, and we need to revisit the rules that are unnecessary," Sen. Peterson said.

Majority Republicans tabled an amendment from Sen. Charleta B. Tavares (D-Columbus) that would have eliminated the 30% reduction requirement.

"This amendment calls for them to reduce restrictions without placing the arbitrary requirement," she said. "This amendment calls on state agencies to inventory what regulations exist."

Sen. Peterson said the amendment was unnecessary because JCARR can already grant departments exemptions for certain rules.

Lawmakers can also work to reduce regulations by avoiding situations where legislation leaves the details to be sorted out by agencies, said Sen. Lou Terhar (R-Cincinnati).

"The real issue here is how many things do we and our predecessors punt on and let it go to an agency rather than making a decision," he said.

Sometimes that's appropriate, said Sen. John Eklund (R-Chardon).

"Sometimes it's an acknowledgement or a willingness to acknowledge that there are experts in the administration of the government" with more expertise than lawmakers, he said.

The measure passed along party lines.

The other effort targeting regulations (SB 255) focused on occupational licensing. Sponsor Sen. Rob McColley (R-Napoleon) said it would create a process to review the state's occupational licensing requirements every five years.

"Frankly it's costing Ohioans the ability to earn a living and it's costing Ohioans the opportunity to contribute to our economy," he said of excessive licensing requirements.

Sen. Joe Schiavoni (D-Boardman) said lawmakers should consider issues with occupational licenses and fix them rather than creating a complicated process to routinely review the need for them.

Senate President Larry Obhof (R-Medina) said he thought the government has gotten "too big, too unwieldy."

"Too much of our authority has been usurped or given away over the years by legislators who thought it was easier to punt rulemaking authority," he said.

The measure passed 24-8.

The chamber unanimously passed a measure (SB 119), known as Daniel's Law, intended to ensure patients using naltrexone, a medication-assisted treatment also known as Vivitrol, can get an emergency dose from a pharmacy in certain emergency situations.

"When in a pinch, patients will have access to every pharmacy in the state of Ohio to act as a trampoline back into the system when the system fails," sponsor Sen. Bob Hackett (R-London) said.

Also advancing in the chamber were measures to:

- Provide a definition for an insurance rating agency (SB 273).
- Modify controlled substances laws with the Board of Pharmacy, including placing the list of controlled substances in rule rather than statute (SB 229).
- Urge Congress to support the creation of the Appalachian storage hub (SCR 21).
- Call on Congress to end certain mandates and emphasize the importance of federalism and the 10<sup>th</sup> Amendment (SCR 23), which passed 25-7.

### **Bills Amended To Enhance Online School Oversight Head To Governor**

The House and Senate on Wednesday approved separate measures that were amended this week to include multiple e-school reforms and sent them to Gov. John Kasich for his signature.

While Rep. Keith Faber (R-Celina) and Rep. Bill Reineke (R-Tiffin) introduced legislation (HB 707) on the topic last week, lawmakers quickly sought alternative pathways to get some of its provisions passed sooner rather than later. The actions by the chambers achieve a goal set Speaker Ryan Smith (R-Bidwell) of pushing forward with legislation aimed at improving the state's online schools ahead of summer recess. (See Gongwer Ohio Report, June 25, 2018)

Sen. Peggy Lehner (R-Kettering), chairwoman of the Senate Education Committee said lawmakers from both chambers came to an agreement ahead of Wednesday's session that certain portions from the measure would be split among a bill (HB 87) under consideration in the Senate and another (SB 216) under consideration in the House.

"You really have to look at these two bills together," she said.

The original intent of HB 87 was to clarify that funding must be returned to local school districts when an audit of a charter school leads to a finding for recovery, while SB 216 is an overhaul measure that makes dozens of changes to the state's K-12 education system.

The upper chamber passed HB 87 by a vote of 30-2 with Sen. Joe Schiavoni (D-Boardman) and Sen. Michael Skindell (D-Lakewood) voting in opposition. The House concurred in Senate amendments by a vote of 70-22.

The Senate Education Committee earlier in the day amended HB 87 to create a "safe harbor" for schools that grew by 20% from taking in former Electronic Classroom of Tomorrow students from certain accountability measures, including closure. The House Education & Career Readiness Committee on Tuesday accepted a similar amendment to SB 216 that set the threshold at for the threshold for the safe harbor at 10%. (See Gongwer Ohio Report, June 26, 2018)

Sen. Schiavoni said he cast his vote against the measure because the safe harbor provision could shield poorly performing schools from accountability.

"My concern is that by putting an amendment like this in the bill we might be creating another ECOT," he said.

Sen. Lehner said another amendment passed in the Senate committee clarifies that the safe harbor will not protect schools that would have faced closure before considering the performance of students taken in from the now-shuttered e-school.

"We are not excusing bad performance of any school," she said.

Sen. Lehner said another Senate amendment to HB 87 dealing with e-schools would require the superintendent of public instruction to set guidelines for activity-tracking software to be used by online charter schools.

Another amendment "would remove a significant conflict of interest" regarding the state auditor's office and payments by online schools, she said.

"Currently, amounts payable may be reduced according to policies determined both by the superintendent of public instruction and the auditor of state," she said. "This amendment will change the statute to require the (superintendent) to establish these policies in consultation with the (auditor) instead, so that the auditor is not put in a position to establish policies they may later audit."

Sen. Lehner said other amendments adopted by her committee that are not focused on e-schools would:

- Give school districts an additional year to put a substitute levy on the ballot.
- Clarify that only a superintendent or school board president can sign contracts and other employment documents related to the district's treasurer or his or her family members.
- Allow school districts and other public employers to "collectively contract for health clinic services."

The committee also adopted an amendment Sen. Randy Gardner (R-Bowling Green) said would prohibit the state from requiring local school boards to submit five-year

financial forecast before Nov. 30. The provision mirrors one added to SB 216 in committee Tuesday.

The House passed SB 216 by a vote of 60-32 after accepting two amendments. The Senate concurred in House amendments by a vote of 28-1 with Sen. Edna Brown (D-Toledo) in opposition.

Rep. Andy Brenner's (R-Powell) amendment required a study of school takeovers be sent to the Joint Education Oversight Committee for further review after its completion. The House accepted the amendment by a vote of 62-28.

A floor amendment offered by Rep. Jeff Rezabek (R-Clayton) and accepted by a vote of 61-28 stripped a provision from the law that would have revised the state's standard for what an "excessively absent" student is by excluding excused absences. Under existing law, a student is "excessively absent" when they miss 38 or more hours in a month or 65 or more hours in a year whether the absences were excused or not.

The House Education & Career Readiness Committee on Tuesday reported SB 216 along party lines after accepting several amendments, including one with multiple provisions aimed at e-school reform. The amendment was inspired by HB 707, which in turn took cues from recommendations offered by Auditor Dave Yost.

The amendment would require the superintendent of public instruction to craft recommended definitions for the state to adopt regarding e-school enrollment and participation and create a committee to study the potential of student-performance, among other provisions.

Sen. Lehner said she views the creation of the committee as one of the most important provisions in the two pieces of legislation.

"The study committee is the most important part of that because that's going to (lead to) more substantive long-term reforms than some of the more minor (provisions)," she said.

Rep. Teresa Fedor (D-Toledo) said the online school provisions the committee added to SB 216 need more vetting, but were being rushed into law to provide "political cover" for Republicans in the wake of the closure of the ECOT. After ECOT shut its doors in January, Auditor Yost referred his office's audit of the school for potential prosecution. (See Gongwer Ohio Report, May 10, 2018)

"I'm sorry to say this bill has been hijacked," she said.

She was gavelled out of order by Speaker Smith when she likened ECOT's funding, which is the subject of clawback efforts by the state, to an ATM for Republican campaign committees.

The panel and later the full Senate rejected an amendment offered by Sen. Schiavoni that would have set additional guidelines for e-schools. He said the change would have

required an in-person parent teacher conference to be scheduled if a student doesn't log in for 10 days and the addition of disclaimers on e-school advertisements noting if they were paid for with public money and what grades the school had received from the state, among other changes.

"We have to have additional accountability and transparency," he said.

Sen. Lehner opposed the amendment but said she agreed with Sen. Schiavoni that the state's work on updating standards for online schools is not done.

The Senate also tabled an amendment offered by Sen. Schiavoni that would have extended eased graduation requirements put in place for the class of 2018 for the next two school years. The House Education & Career Readiness Committee rejected an amendment with the same effect offered by Rep. Tavia Galonski (D-Akron) Tuesday.

Before passing SB 216, the House tabled an amendment offered by Rep. Galonski that would have appointed a special investigator in the ECOT case.

Rep. Brenner said he viewed the amendment as premature because ECOT still has an appeal before the Ohio Supreme Court related to purported overpayments the State Board of Education voted to claw back from the school, leading to its closure.

Democrats later ripped majority Republicans for refusing to add additional accountability provisions to the bill, saying it gives a "free pass to Ohio's out-of-control charter schools" and elected officials.

"This is a politically motivated bill to give the same GOP politicians who used ECOT and charter school sponsors to bankroll their campaigns a free pass on taking responsibility for the mess they created," Rep. Galonski said.

Sen. Matt Huffman (R-Lima), SB 216's primary sponsor, said crafting and passing the substantial bill involved a lot of give and take among lawmakers and interested parties.

He listed the House's changes, saying he did not agree with all of them but that the bill retains the goal that superintendents had when they suggested the package to him several months ago - that is, eliminating unnecessary and burdensome regulations.

"This is a product of about 15 months-worth of work with a lot of good things in it," he said.

State Auditor Dave Yost issued a statement Wednesday evening welcoming passage of the measures.

"The legislation approved by the General Assembly today addresses some of the weaknesses my office has pointed out for years that limited the state's ability to demand full accountability from online schools and operators," he said. "While we were not

successful in gaining passage of all reforms we believe are needed, these changes will make a significant difference."

### **Senate Panel Delays Vote On Energy Standards, Wind Setback Bill**

A Senate committee Wednesday held off on a potential vote on controversial legislation to lower the renewable and energy efficiency standards, with lead negotiators telling interested parties they are "very close" to a final product.

The closely-watched measure (HB 114) was scheduled for its eighth hearing before the Senate Energy & Natural Resources and marked for possible amendments and a vote.

But the proposal was ultimately not heard, with Chairman Sen. Troy Balderson (R-Zanesville) and Sen. Bill Beagle (R-Tipp City) instead briefing stakeholders in attendance of their progress on the bill and promising "the bill's not dead."

"It's closer (to passing) than it's been for a while," Chairman Sen. Troy Balderson (R-Zanesville) said in an interview.

The measure began as a House effort to render the standards voluntary and expand the mercantile opt-out. That followed Gov. John Kasich's 2016 veto of a similar, but less far-reaching measure (HB554, 131st General Assembly).

Senators in May then accepted a substitute version that restored the mandatory nature of the standards, although it still lowers the renewable standards to 8.5% by 2022 instead of current law's 12.5% by 2026 and the efficiency standards to 17.2% by 2026 instead of the current 22.2% by 2027. It also loosens wind setback restrictions that advocates accused of stifling the industry - a prospect House leaders have expressed reluctant to accept in the past. (See Gongwer Ohio Report, May 16, 2018)

More changes are likely, as the lawmakers court support within their caucus and among stakeholders. Sen. Beagle said they're still sorting through feedback following the most recent changes - including those related to the mercantile opt-out, the wind setbacks and energy efficiency benchmarks.

"At this point, anytime you amend something everything's kind of tight so if we move a little bit here we need to understand what the ramifications are over there and that's just taking time," Sen. Beagle said. "We want to make sure we get this right. It's been an issue we've been talking about for a long time and it's been in the chamber a while. We'd rather take some time to make sure we get the best bill we can before we send it over to the House."

Sen. Balderson said talks continue with the Kasich administration over the renewable standards proposed by the current bill.

"The administration is aware of our number," he said. "While they are not satisfied with it, we continue to have positive discussions on a number of other areas we can all agree upon."

A Kasich spokesman declined to comment on the pending legislation.

At the same time, both said they haven't gone out of their way to keep their House counterparts in the loop on discussions. Although the legislation in its current form is likely to face a steeper climb in the lower chamber, the senators said their principal concern is mustering up enough support within their own caucus.

"We're really kind of focused on making sure we have enough votes in the Senate," Sen. Beagle said. "We're really focused on getting a product we can get out hopefully on a bipartisan basis and that's tough enough."

Added Sen. Balderson: "Once we have our numbers here that we need in the Senate, then we'll focus on the House. They're aware...so there's no reason for (Sen. Beagle) and I to be sitting down in front of them."

### **Proposed Regulations Inspired By State Fair Ride Death Get Initial Hearing**

Nearly a year removed from a thrill ride breakdown at the Ohio State Fair that killed 18-year-old Tyler Jarrell and injured several others, the House took up legislation to tighten regulation of inspections overseen by the Department of Agriculture.

Sponsored by Rep. John Patterson (D-Jefferson) and Rep. Jim Hughes (R-Columbus), the measure would revise current safety inspection standards, define the qualifications for inspectors, and require owners to maintain current records for all their amusement rides.

Rep. Patterson told members of the House Agriculture & Rural Development Committee that the measure, while inspired by the tragedy, is about looking ahead "to better ensure the safety of Ohioans for years to come by revisiting current legislation to provide a more robust approach to ride safety and inspection."

The sponsors pointed out that while the rides have become more prevalent, diverse and complicated over the years, the number of Ohio inspectors has remained fairly constant.

Rep. Hughes said the bill focuses on ride inspections in two ways.

"First, it expands the Director of Agriculture's rule-making authority regarding amusement ride safety. Specifically, it requires a minimum number of inspectors be assigned to inspect a ride, ensuring that number is reasonable and adequate given the size, complexity, and nature of the ride," he said. "Second, it requires the Director to adopt the standards of the American Society for Testing and Materials, or any other equivalent standards, in whole. Current law does not require the Director to adopt these standards, neither in whole or part."

The measure also addresses the qualifications for newly hired inspectors, Rep. Hughes said. "The bill requires the Director, when employing a new Chief Inspector or an additional amusement ride inspector, to give preference to individuals who are registered professional engineers. If no registered professional engineer seeks employment as an inspector, the Director must give preference to individuals who have been issued a level one or higher inspector certification from the National Association of Amusement Ride Safety Officials."

Those restrictions would be forward-looking and not impact those currently employed as inspectors, he said.

The bill would retain the current law requirement that the ODA director provide necessary training for inspectors to administer and enforce the laws governing amusement ride safety. "Similarly, the bill still allows the director to appoint or contract other persons to perform inspections of amusement rides, provided that they meet the qualifications for inspectors and are not owners, or employees of any amusement ride subject to inspection," Rep. Hughes said.

The record-keeping mandates in the bill would apply to electronic manuals for each amusement ride that is inspected in Ohio, if available, and the ODA director may require the owner to also include "detailed written descriptions or photographs of all maintenance, repairs, and inspections in the record," Mr. Hughes said.

"Finally, HB631 prohibits ride owners from knowingly failing to keep a record or knowingly failing to make records available to the Department or ride inspector, and it imposes a fine of \$100 to \$500 for a violation of the prohibition. While current law requires an owner to keep records and make them available for inspection, it does not establish a specific penalty for failure to do so," he concluded.

Asked about the extent of the potential fines, Rep. Patterson said they could apply to every ride that's out of compliance or it could depend on the circumstances. He said the sponsors wanted to leave some discretion for ODA to develop more specific guidelines under the bill.

"We don't want the money," Rep. Hughes added. "We want them to be safe."

Rep. Kyle Koehler (R-Springfield) questioned whether the provisions would have prevented last year's failure of the Fire Ball ride.

"It definitely would have helped the situation, but what we're trying to do is prevent another occurrence of this in the future," Mr. Patterson said.

The sponsor told Rep. James Hoops (R-Napoleon) that the requirements would apply to all rides operated in the state, including those at county fairs and other events.

Chairman Rep. Brian Hill (R-Zanesville) raised the issue of funding for additional inspection duties and also noted that a review of the incident did not result in any punitive actions against state inspectors.

Rep. Jack Cera (D-Bellaire) said consideration must be given to ODA's budget if the bill is enacted.

Mr. Hughes said there have been communications with the agency regarding the proposals and further meetings with the agency are planned.

ODA spokesman Mark Bruce said the agency typically doesn't comment on pending legislation.

"The department has had discussions about possible ways to strengthen Ohio's already robust amusement ride safety program," he said in an email.

### **High Court Strikes Down 'Agency Fees' For Public Sector Unions; Kennedy Announces Retirement**

Organized labor was dealt a major blow Wednesday by the U.S. Supreme Court.

In a highly anticipated decision, the court in a 5-4 ruling held that non-union workers cannot be forced to pay fees to public sector unions.

Writing for the majority, Justice Samuel Alito found the requirement that non-union employees pay "agency fees" to the collective bargaining unit runs afoul of free speech protections.

"This procedure violates the First Amendment and cannot continue," Justice Alito wrote. "Neither an agency fee nor any other payment to the union may be deducted from a nonmember's wages, nor may any other attempt be made to collect such a payment, unless the employee affirmatively consents to pay. By agreeing to pay, nonmembers are waiving their First Amendment rights, and such a waiver cannot be presumed."

He was joined in his opinion by Chief Justice John Roberts, Justice Clarence Thomas, Justice Neil Gorsuch and Justice Anthony Kennedy, considered the swing vote on the court and who announced his retirement Wednesday.

The decision overturns a 1977 high court ruling that upheld the practice as constitutional.

"We recognize that the loss of payments from nonmembers may cause unions to experience unpleasant transition costs in the short term, and may require unions to make adjustments in order to attract and retain members. But we must weigh these disadvantages against the considerable windfall that unions have received under *Abood* for the past 41 years," Justice Alito wrote.

"It is hard to estimate how many billions of dollars have been taken from nonmembers and transferred to public-sector unions in violation of the First Amendment. Those unconstitutional exactions cannot be allowed to continue indefinitely."

Statements for and against the decision poured in swiftly.

Ohio Republicans were largely silent on the ruling. However, the Buckeye Institute cheered the decision.

"The Supreme Court today in *Janus v. AFSCME* announced its basic rule of human decency and common sense: consent matters - and hardworking public-sector workers can no longer be forced to pay for political speech or other activities without their affirmative consent," President and CEO Robert Alt said in a statement.

The American Legislative Exchange Council also hailed the ruling.

"Today's Janus decision overturns a precedent set 41 years ago. This will allow workers to keep their pay, they will no longer be forced to pay fees that support a union's collective bargaining efforts and administrative work," said Robert Ordway, Director of the Commerce, Insurance and Economic Development Task Force at ALEC.

The court's liberal justices dissented in the decision, with Justice Elena Kagan writing that the majority's holding will lead to "a collective action problem of nightmarish proportions."

Among the repercussions of the decision, she predicted that it will lead to a decline in public sector unionization.

"Everyone - not just those who oppose the union, but also those who back it - has an economic incentive to withhold dues; only altruism or loyalty - as against financial self-interest - can explain why an employee would pay the union for its services," she wrote in a dissent joined by Justice Ruth Bader Ginsburg, Justice Stephen Breyer and Justice Sonia Sotomayor.

She also accused the majority of "weaponizing the First Amendment, in a way that unleashes judges, now and in the future, to intervene in economic and regulatory policy."

Several Democratic lawmakers blasted the decision in statements, as did unions. Jay McDonald, president of the Ohio Fraternal Order of Police, said the group is "confident that our membership understands the value of belonging to the FOP and we will continue to work hard to keep their trust."

Ohio AFL-CIO President Tim Burga said "billionaires and corporate special interests that have manipulated our system of justice have succeeded in getting the highest court in the land to do their bidding."

The Ohio Federation of Teachers and the Ohio Education Association also spoke out. OFT President Melissa Cropper said the decision will lead to greater activism among her members.

"This decision today is a momentary triumph for the wealthy special interests who backed this lawsuit," she said. "But the voices of working people will not go unheard. And unions, such as ours, remain the best way to make sure decision-makers - at work or in the halls of government - are listening."

The Ohio Civil Service Employees Association said the decision "will only further rig the economy in favor of the wealthy and corporate interests."

OAPSE Executive Director Joe Rugola called the decision political.

"Justice Alito even says in his opinion that unions are powerful and get things done for our members," he said. "That's what the anti-union forces are afraid of: that our collective voice on behalf of workers will mean better pay and benefits for working people."

**Kennedy Retirement:** Justice Kennedy announced his retirement Wednesday, paving the way for Republicans to move the court in a decidedly rightward direction, a fact that was not overlooked by many, including Ohio Right to Life, which predicted the overturning of *Roe v. Wade*.

"Moments like these are why pro-life Americans elected President Donald Trump," President Mike Gnidakis said. "He has the historic opportunity to add a justice who will serve as the fifth pro-life vote on the court. Ohio Right to Life's goal has always been to overturn *Roe v. Wade* and to see the end of abortion, which has killed 60 million American children in the last 45 years."

NARAL Pro-Choice Ohio Executive Director Kellie Copeland expressed concern that the next right-leaning appointee would be in a position to overturn the "constitutional right to access abortion."

"Americans have had their rights stripped away by the US Supreme Court, thanks in part to a stolen seat that should have been filled by President Barack Obama," she said. "Women, union members, and immigrants all were harmed by decisions handed down just this week. We need a court that protects and respects rights, not one that pushes the political agenda of Donald Trump, Mike Pence and their ultra conservative cronies."

U.S. Rep. Bill Johnson (R-Marietta) encouraged his upper chamber colleagues to act quickly on filling the court opening.

"I encourage President Trump to nominate a qualified jurist from the list of potential Supreme Court judges he unveiled during his presidential campaign - someone who will interpret the Constitution as written, rather than legislating from the bench," he said.

"Whoever ends up filling this vacancy will play a major role in the future of the high court."

Justice Kennedy plans to step down at the end of July, and U.S. Senate Majority Leader Mitch McConnell (R-KY) said he plans to hold a vote on a replacement this fall.

The White House in a statement provided no timeline on choosing the justice's successor and instead focused on his service.

"A Californian - like the president who appointed him - Justice Kennedy is a true man of letters," the statement read. "During his tenure on the court, he authored landmark opinions in every significant area of constitutional law, most notably on equal protection under the law, the separation of powers, and the First Amendment's guarantees of freedom of speech and religion."

#### **Chairman: Senate Looking For Balance With Payday Lending Measure**

Two weeks in the Senate wasn't enough time to resolve the complex issues surrounding payday lending law revisions, and interested parties will keep talking on a compromise, a key lawmaker guiding the process said Wednesday.

Sen. Scott Oelslager (R-N. Canton) made the comments following a meeting of the Senate Finance Committee, which he chairs. The panel heard some additional testimony before a surprise attempt by the ranking minority member to move it forward.

The chairman previous said he didn't intend to take any amendments or call a vote on the proposal (HB 123) this week, but Sen. Michael Skindell (D-Lakewood) made a motion to report the measure before the meeting could be adjourned.

After committee members were called back from other meetings, majority Republicans voted on party lines to table Sen. Skindell's motion.

Sen. Oelslager said he and many members of the committee are still unsure what direction they would like to see the bill go, whether that entails the way it's written, or with some or all of the recommendations made by Sen. Matt Huffman (R-Lima). (See Gongwer Ohio Report, June 26, 2018)

"We also want to make sure that the interested parties have a chance to keep talking," he said after the meeting. "It's a very complicated issue. We want to make sure there's a balance between the person offering the loan and the person taking out the loan."

Sen. Skindell's move came after Nick Bourke, director of consumer finance for the Pew Charitable Trusts, asked senators to advance the proposal as written.

"I urge this committee to take a vote," he said. "Vote on HB123 as passed by the House. Or make a few sensible amendments to HB123 as we've discussed and vote on that. Even if it fails, we will know where this process stands."

Mr. Bourke, who has testified several times on the measure, told the committee they have three options in front of them: an overhaul of regulations such as HB123, the complete elimination of high-interest lending, and the status quo.

The proposals from Sen. Huffman, he said, would preserve the status quo.

"It is not reform because it does not solve the problems for consumers and it would cost the small number of payday lenders who enjoy the status quo today virtually nothing," he said.

Sen. Oelslager asked if the proposal is worse than the current law for lenders, and Mr. Bourke said it would have no change.

Mr. Bourke also said lawmakers could propose to ban high-interest loans entirely.

Sen. Bill Coley (R-Liberty Twp.) said the 2008 regulation constituted an attempt to ban high-interest loans.

"Ten years ago, when the legislature and then the voters of Ohio dealt with the legislation, that was a ban bill in the state of Ohio," he said. "Is the House-passed version of HB123 a ban bill?"

Mr. Bourke said it's a reform effort and would still allow companies to operate.

"I've spoken with companies that used to operate in Ohio before 2008 that left Ohio because they did not want to operate in a loophole," he said.

The panel also heard from Ashish Gandhi, owner of Cash Plus Silverton, who praised Sen. Huffman's plan.

"I believe that Senator Huffman's plan was very well thought out and mathematically intelligent," he wrote. "He was magically able to give all sides what they were asking for. His plan lowers the APR that critics insisted on. His plan lowers the daily cost of a loan to less than a cheap cup of coffee at a gas station. His plan allows for a plethora of options for both consumers and businesses."

The original version of the legislation is "extreme, poorly written and not workable," he said.

Sen. Huffman's plan is not exactly what the industry would have wanted, but would allow businesses to stay in place, he said.

### **Prosecutors Praise Beefed Up Parole Monitoring Bill**

A bill to revise parole monitoring procedures has the potential to save lives, members of a Senate panel were told Wednesday.

The legislation (SB 202) is named after Reagan Tokes, who was murdered by Brian Golsby shortly after his release from prison.

Lou Tobin, executive director of the Ohio Prosecuting Attorneys Association, said the legislation "will fill the gaps in the way the state manages offenders who are released from prison."

Among the bill's provisions, it would create reentry programs to ensure that those released from prison are not homeless and require restrictions to be placed on those who are on post-release control and fitted with GPS monitoring devices.

It would also require the state to create a database of GPS data that would be available to law enforcement officials when investigating crimes. Another portion of the legislation would focus on ensuring parole officer caseloads are not too large.

"Brian Golsby was released into homelessness and with a GPS monitor that did not establish zones within which he was allowed to move," Mr. Tobin told members of the Senate Government Oversight & Reform Committee. "It was subsequently discovered he committed at least six violent robberies, prior to his encounter with Reagan, all while being 'monitored.' The state must do more to address the circumstances that led to this."

William Parker of the American Court & Drug Testing Services said GPS monitors are essentially useless without guidelines and restrictions.

"GPS technology can do much, much more than simply provide the current location of someone wearing the ankle bracelet. Using easily programmable curfews, inclusion and exclusion zones and daily schedules, the technology can alert us immediately if the defendant is not where they are supposed to be when they are supposed to be there," he said.

"The technology can alert us immediately if the defendant moves into a neighborhood where his or her presence represents a threat to a person or community. It can notify us immediately if the defendant removes the bracelet or fails to charge the bracelet. But, the effective use of this technology requires more than satellites, cellular signals and computer applications."

Phyllis Carlson-Riehm of the ACTION OHIO Coalition For Battered Women also provided written testimony in support of the measure.

"We all know that Ohio's prisons are full to overflowing and the costs are enormous," she wrote. "We all know that prison reforms are long overdue to reduce the number of non-violent inmates and move them into meaningful community corrections programs and rehabilitated lives.

"But at the same time we must not fail to strengthen Ohio laws to hold violent repeat felons responsible for the multiple crimes that they commit and stop the needless human tragedies that are happening to many Ohio families."

Companion legislation (HB 365) - that also deals with indeterminate sentencing - cleared the House earlier this month. (See Gongwer Ohio Report, June 20, 2018)

## **Senate Releases Session Calendar**

The Senate could hold full sessions as many as 14 days during the second half of the year, according to a schedule released by Senate President Larry Obhof (R-Medina) on Wednesday.

The calendar sets if-needed sessions for July 10 and August 22. Three potential session dates are set for September.

Nine possible dates are scheduled for November and December, which would represent the chamber's post-election session.

The House has yet to release its schedule for July through December.

All session dates are available in Gongwer's full legislative schedule, where the meetings can be synced with Outlook calendars.

## **Governor's Appointments**

**Opportunities for Ohioans with Disabilities Council:** Kimberly S. Monachino of Twinsburg for a term beginning June 27, 2018, and ending June 1, 2019 and Margie Hegg of Upper Arlington for a term beginning June 27, 2018, and ending June 1, 2020.

## **Supplemental Agency Calendar**

**Thursday, June 28**

Business Gateway Steering Committee, 30 East Broad Street, Room 2925, Columbus, 1 p.m.

## **Supplemental Event Planner**

**Friday, August 3**

Sen. Sandra Williams (D-Cleveland) fundraiser, FOP Hall, 2249 Payne Ave., Cleveland, 5 p.m., (\$200 (table); \$20 (friend) to Friends of Sandra Williams)

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**Click the # after a bill number to create a saved search and email alert for that bill.**

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## House Activity for Wednesday, June 27, 2018

**PASSED**

**SB 66**

**CRIMINAL LAWS (Eklund, J., Tavares, C.)** To modify criminal sentencing and corrections law by including the promotion of effective rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting pre-trial diversion and intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation; to extend the State Highway Patrol's authority to enforce criminal laws to also apply to the Northeast Ohio Correctional Center; to modify the penalty for an employer's failure to remit state income taxes withheld from an employee; and to authorize the conveyance of state-owned real estate.

84-2 (Edwards, Schaffer) (Amended)

[Gongwer Coverage](#)

**SB 81**

**FIREARMS (Terhar, L.)** To waive the concealed carry license fee for active members of the armed forces and retired and honorably discharged veterans, to accept military experience with firearms as proof of competency with firearms regardless of when the applicant for a license acquired the experience, to permit a licensee to renew a concealed handgun license at any time before the expiration of the license, and to require the Attorney General to monitor the number of license fees waived and cap the total amount allowed to be waived at \$1.5 million.

76-6

[Gongwer Coverage](#)

**SB 127**

**WASTE COLLECTION VEHICLES (LaRose, F.)** To require motor vehicle operators to take certain actions upon approaching a stationary waste collection vehicle collecting refuse on a roadside.

84-0

[Gongwer Coverage](#)

**SB 216**  **SCHOOL REGULATIONS (Huffman, M.)** To enact the "Ohio Public School Deregulation Act" regarding the administration of preschool and primary and secondary education programs, to add the territory of Summit County to the Stark State College District, and to prescribe procedures for appointing the board of trustees of the combined technical college district.

60-32 (Amended)

[Gongwer Coverage](#)

**SB 220**  **CYBERSECURITY (Hackett, B., Bacon, K.)** To provide a legal safe harbor to covered entities that implement a specified cybersecurity program, to allow transactions recorded by blockchain technology under the Uniform Electronic Transactions Act, and to alter the definition of "key employee" under the Casino Gaming Law.

62-21 (Earlier REPORTED-AMENDED)

[Gongwer Coverage](#)

**SB 221**  **AGENCY RULEMAKING (Uecker, J.)** To reform agency rule-making and legislative review thereof.

73-19 (Earlier REPORTED-AMENDED)

[Gongwer Coverage](#)

**SB 239**  **REGIONAL GOVERNMENT COUNCILS (Dolan, M.)** To modify the law concerning regional councils of governments to clarify that a municipal corporation eligible to designate a tourism development district may designate more than one district, to specify that the American Law Institute's approved "Restatement of the Law, Liability Insurance" does not constitute the public policy of Ohio, to designate a portion of U.S. Route 33 in Meigs County as the "Steve Story Memorial Highway," to designate a portion of Interstate Route 270 in Franklin County as the "Officers Anthony Morelli and Eric Joering Memorial Highway," and to designate the portion of U.S. Route 24 in Henry County as the "Henry County Veterans Highway."

88-0

[Gongwer Coverage](#)

**SB 299**  **WATER IMPROVEMENTS (Gardner, R., O'Brien, S.)** To credit additional amounts of the Local Government Fund to fund public safety services in areas that experienced a 30% or more decrease in the taxable value of certain power plants between 2016 and 2017, to phase out the payments

over ten years, to increase the appropriation to the Local Government Fund; to support broadband development; to establish the OhioCorps Pilot Project; and to make appropriations, including appropriations for the protection and preservation of Lake Erie and the National Guard Scholarship Program.

88-0 (Amended)

Gongwer Coverage

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**HB 7**

**MEDICAL PROVIDER IMMUNITY (Cupp, R.)** To grant qualified civil immunity to certain medical providers and emergency medical technicians who provide emergency medical services as a result of a disaster and through its duration; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to permit access to peer review committee documents during authorized inspections by the Director of Health while preserving their confidentiality; and to clarify the definition of "medical claim."

71-16

Gongwer Coverage

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**HB 36**

**MARRIAGE CEREMONIES (Vitale, N.)** To provide that an ordained or licensed minister or religious society is not required to solemnize a marriage and a religious society is not required to allow any building or property of the religious society to be used to host a marriage ceremony if the marriage does not conform to the ordained or licensed minister's or religious society's sincerely held religious beliefs, to provide that an ordained or licensed minister or religious society is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to an ordained or licensed minister or religious society for such a denial.

59-29 (Amended)

Gongwer Coverage

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**HB 92**

**PUBLIC INDECENCY (Schaffer, T.)** To require an offender who knowingly commits the offense of public indecency under certain circumstances involving exposure of private parts likely to be viewed by minors and for the

purpose of sexual arousal or gratification to register as a Tier I sex offender/child-victim offender if the judge orders registration.

80-0

Gongwer Coverage

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**HB 126** ■ **KINSHIP CAREGIVERS** (Boyd, J., Rezabek, J.) To require a region-based kinship care navigator program, and to make an appropriation.

82-0

Gongwer Coverage

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**HB 156** ■ **VISION CARE INSURANCE** (Schuring, K.) Regarding limitations imposed by health insurers on vision care services.

75-2 (Hambley & Romanchuk)

Gongwer Coverage

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**HB 211** ■ **HOME INSPECTORS** (Hughes, J.) To require the licensure of home inspectors,to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors, and to require realtors who recommend home inspectors to provide a list of home inspectors

74-6

Gongwer Coverage

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**HB 240** ■ **MONTH DESIGNATION** (Barnes, J.) To enact the "Respect Your Date Act" to designate the month of April as "Respect Your Date Month" and to require each state institution of higher education to adopt a policy regarding dating violence, domestic violence, sexual assault, stalking, and rape on campus and to declare an emergency.

Bill: 77-0; Emergency: 75-6

Gongwer Coverage

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**HB 349** ■ **POLICE ANIMALS** (LaTourette, S.) To increase the penalty for assaulting a police dog or horse and to include search and rescue dogs and horses in the prohibition against assaulting or harassing a police animal.

69-11

Gongwer Coverage

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**HB 355** ■ **SEXTING** (Hill, B., Rezabek, J.) To generally prohibit sexting by a person under 19 years of age.

85-0

Gongwer Coverage

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**HB 386** ■ **CREDIT FREEZES** (Henne, M., Kelly, B.) To modify the fees that a credit reporting agency can charge in relation to a credit report freeze.

82-2

Gongwer Coverage

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**HB 425** ■ **BODY CAMERAS** (Antani, N., Craig, H.) To provide that specified portions of peace officers' body-worn camera recordings and the infrastructure record of a public school are not public records for purposes of the Public Records Law.

88-0

Gongwer Coverage

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**HB 428** ■ **STUDENT EXPRESSION** (Ginter, T., LaTourette, S.) Regarding student religious expression and to entitle the act the "Ohio Student Religious Liberties Act of 2018."

62-20

Gongwer Coverage

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**HB 469** ■ **TAX CREDIT** (Schuring, K., Patton, T.) To authorize a nonrefundable insurance company tax credit for contributions of capital to transformational mixed use development projects.

78-0

Gongwer Coverage

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**HB 479** ■ **DRUG PRICE INFORMATION** (Lipps, S., West, T.) Regarding pharmacy benefit managers, pharmacists, and the disclosure to patients of drug price information.

75-0

Gongwer Coverage

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**HB 480** ■ **MULTI-PARCEL AUCTIONS** (Hill, B.) To establish requirements governing multi-parcel auctions.

72-0

Gongwer Coverage

**HB 497** ■ **PRIVATE IMAGES** (Rogers, J., Manning, N.) To prohibit the nonconsensual dissemination of private sexual images, to require that certain property involved in the offense be criminally forfeited, and to create certain legal rights and protections of a victim of the offense.

81-0

Gongwer Coverage

**HB 500** ■ **TOWNSHIP LAWS** (Carfagna, R.) To make various changes to township law.

81-0

Gongwer Coverage

**HB 502** ■ **YOUTH SUICIDE** (Anielski, M.) With regard to educator inservice training on youth suicide awareness and prevention in public schools.

82-0

Gongwer Coverage

**HB 511** ■ **MARRIAGE AGE** (Lanese, L., Rogers, J.) To make changes to the laws governing the ages at which persons may marry.

78-0

Gongwer Coverage

**HB 540** ■ **TEACHER EVALUATIONS** (Gavarone, T., Manning, N.) With regard to teacher evaluations.

84-0

Gongwer Coverage

**HB 543** ■ **COUNTY PROSECUTORS** (Perales, R., Hambley, S.) To allow a county prosecuting attorney to enter into a contract with a regional airport authority, port authority, or regional planning commission to be its legal adviser.

79-0

Gongwer Coverage

**HB 572** ■ **RETIREMENT CREDIT** (Scherer, G., Howse, S.) Regarding Public Employees Retirement System service credit for services as a nonteaching school employee of a county board of developmental disabilities.

80-0

Gongwer Coverage

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**HB 595**

**PROBATE LAW (Cupp, R., Rezabek, J.)** Relative to procedures for a testator to file a declaratory judgment action to declare the validity of a will prior to death and the settlor of a trust to file such an action to declare its validity, exceptions to antilapse provisions in class gifts in wills and trusts, incorporation of a written trust into a will, trusts for a minor, arbitration of trust disputes, the creation of county and multicounty guardianship services boards, the coroner's disposition of person dying of suspicious or unusual death, an application for the release of medical records and medical billing records, and adding involuntary manslaughter not resulting from a felony vehicular homicide offense to the list of offenses excluding an individual from inheriting from a decedent.

78-0

Gongwer Coverage

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## HOUSE CONCURS IN SENATE AMENDMENTS

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**HB 18**

**SPECIAL ELECTIONS (Pelanda, D., Rutherford, W.)** to eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances; to authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers, to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices; and to require that, upon request, county auditors, municipal fiscal officers, and their employees must share lodging tax return information with the directors of convention and visitors' bureaus operating in their counties.

67-22

Gongwer Coverage

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**HB 87**

**COMMUNITY SCHOOLS (Roegner, K.)** Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of the enrollment records of a community school, to clarify the time period within which a school district emergency levy or substitute levy may be renewed or replaced, to clarify the responsibilities of a school district treasurer regarding the signing or executing of certain documents, to require the State Board of Education to adopt standards for learning management software for internet- and computer-based community schools, regarding qualification for state payments by internet- or computer-based community schools, regarding joint

health and medical insurance programs by political subdivisions and county boards of developmental disabilities, regarding submission of five-year financial forecasts by public schools, and regarding the moratorium on certain provisions affecting community schools and school districts whose enrollments were affected due to enrolling students of a suspended e-school.

70-22

**Gongwer Coverage**

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**HB 263**

**OUTDOOR DINING AREAS (Lanese, L.)** To generally allow an owner, keeper, or harborer of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation.

79-10

**Gongwer Coverage**

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**HB 312**

**POLITICAL SUBDIVISION SPENDING (Schuring, K., Greenspan, D.)** To regulate the use of credit cards and debit cards by political subdivisions, to modify the duties and powers of the Auditor of State, to specify that electronic submission of a public record request entitles the requestor to damages if the public office fails to comply with the Public Records Act, to make changes to the law governing financial planning and supervision commissions, and to authorize a property tax abatement for certain property subject to a submerged land lease and held by a municipal corporation.

91-0

**Gongwer Coverage**

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**HB 318**

**SCHOOL RESOURCE OFFICERS (Patterson, J., LaTourette, S.)** To define the necessary qualifications and responsibilities of school resource officers, to require the Facilities Construction Commission to study and report on school building security upgrades and to make an appropriation.

69-20

**Gongwer Coverage**

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**HB 336**

**LICENSE FEES (Barnes, J., Greenspan, D.)** To prohibit the imposition of driver's license and temporary instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative.

84-6

**Gongwer Coverage**

HB 347

**ROAD NAMING (Kelly, B., Dever, J.)** To designate multiple memorial highways.

91-0

Gongwer Coverage

## **CONFERENCE REPORT ADOPTED**

SB 1

**DRUG OFFENSES (LaRose, F.)** To increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, except for drug possession violations when the fentanyl-related compound is combined with marihuana or a Schedule III, IV, or V controlled substance and the offender did not know of the fentanyl content; to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse; and to add lisdexamfetamine to the list of schedule II controlled substances.

59-10

Gongwer Coverage

## **HOUSE SPEAKER'S APPOINTMENTS**

Community & Family Advancement Committee: Remove Rep. Brinkman, appoint Rep. Greenspan

## **COMMITTEE HEARINGS**

### **Agriculture & Rural Development**

HB 560

**PET FOOD (Lane, L.)** To prohibit pet food from containing remains from an animal that was euthanized by the use of any drug injected intravenously or through another nonvascular route or remains from any dog or cat.

(CONTINUED; 1st Hearing-Sponsor)

Rep. Laura Lane (R-Grove City) said her measure "will provide pet owners some assurance that their pet food does not contain the remains of other cats and dogs and that it does not contain pentobarbital, the drug used to euthanize cats and dogs." The sponsor referred to news stories in recent years about tainted pet food and noted the FDA had recalled products after pentobarbital, which is used by veterinarians to euthanize cats, dogs and horses, was found in the samples from an Ohio-based pet food company. Rep. Lane said current state law doesn't sufficiently cover the products that rendering plants sell to pet food manufacturers. "Under current Ohio law, a commercial feed is adulterated if it bears or contains any poisonous or deleterious substance that may render it injurious to animal or human health, except that when the substance is not an added

substance. Since the drug is not added during processing, the feed may not be considered an added substance and therefore permissible," she said.

"Most pet owners do not want to feed their family dog or cat the remains of other dogs and cats. Even if a consumer actively tries to make an informed decision by reading the label, terms like animal meal and meat meal make it hard to decipher what exactly is in our pet's food," the sponsor said. "Guardrails to ensure that our pets are not eating other pets and ingesting euthanasia drugs is one small token we can offer consumers, especially since pet food companies are denying they are part of the pet food they sell."

Responding to a question from Rep. Michael Sheehy (D-Oregon), the sponsor said there are federal regulations regarding pet food content but the lack of any legal actions underscore the need for Ohio to take action and tighten its oversight.

Several members had questions about testing for the drug, and Rep. Lanese told Rep. Darrell Kick (R-Loudonville) that imposing such costs on rendering plants would likely lead to extensive pushback.

She told Rep. John Patterson (D-Jefferson) she was unsure how many rendering plants existed in the state. "There's very little oversight of this industry," she said, adding the bill would only apply to Ohio plants.

Rep. Keith Faber (R-Celina) said he applauded the concept of the bill but questioned whether the oversight should be left to the free market, such as pet food makers putting testing labels on their products.

**HB 631** **AMUSEMENT RIDES** (Hughes, J., Patterson, J.) To revise the laws governing amusement ride operation and safety, to designate this act as "Tyler's Law," and to declare an emergency. (CONTINUED (See separate story); 1st Hearing-Sponsor)

#### Insurance

**HB 621** **DEATH BENEFITS** (Hughes, J.) To revise the payments that surviving family members receive from the Ohio Public Safety Officers Death Benefit Fund and to permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state. (CONTINUED (No testimony); 3rd Hearing-Opponent)

Chair Rep. Tom Brinkman (R-Cincinnati) said the committee received a fiscal note detailing the bill's estimated costs. He said an amendment is being drafted in regard to a similar bill pending in the Senate.

**SB 227** **HEALTH PLAN CLAIMS** (Huffman, M.) To require health plan issuers to release certain claim information to group plan policyholders. (CONTINUED; 1st Hearing-Sponsor)

Sen. Matt Huffman (R-Lima) said the bill would give employers more information about claims made under their health insurance coverage while protecting information that details which individuals and dependents are receiving care.

That information will give small employers more data they can use to shop for coverage from insurers, he said. Without that information, small businesses are often left to renew coverage and accept rate increases proposed by insurers.

Claims information that would be shared with employers wouldn't include any personal information, and he said the release of that redacted data isn't prohibited by federal law.

The result would spur more competition in the insurance market, potentially leading to lower prices, he said.

Rep. Wes Retherford (R-Hamilton) asked if there would be any cases where the release of information could be denied.

Mr. Huffman said the bill directs the release of non-identifiable claims information about all people covered under a company's policy.

Rep. George Lang (R-West Chester) said his initial reaction to the proposal is that if an employer is paying an insurance bill, it should have access to claims information.

Responding to Rep. Michael Henne (R-Clayton), Sen. Huffman said the bill is targeted to employers with between 50 and 100 employees, and indicated that leaders of smaller companies might already be aware of health conditions that their employees have.

Rep. Glenn Holmes (R-McDonald) questioned whether the sponsor would be willing to consider redacting pharmaceutical information, indicating that having knowledge of drug use could create ethical issues for those who make decisions about employee coverage.

## **Government Accountability & Oversight**

**SB 220**      **CYBERSECURITY (Hackett, B., Bacon, K.)** To provide a legal safe harbor to covered entities that implement a specified cybersecurity program.  
**(REPORTED-AMENDED (No testimony); 3rd Hearing-All testimony-Possible amendments & vote)**

An amendment offered by Rep. Kathleen Clyde (D-Kent) to replace the phrase "reasonable compliance" with "actual compliance" was tabled in an 8-2 vote, with Rep. Bernadine Kent (D-Columbus) joining all the Republicans present in the vote, as she would do throughout the committee meeting after recently being exiled from the House Democratic Caucus.

In explaining her motion to table, Rep. Dorothy Pelanda (D-Marysville) said actual compliance could be a difficult bar for small businesses to clear.

"Reasonable compliance was arrived at after several interested party meetings and discussions with those people," she said.

Another failed amendment proposed by Rep. Clyde would have allowed a person whose private information is compromised to request the attorney general's office bring legal action. If it does not, the person would be able to bring legal action on behalf of the state and split the recovery.

An amendment offered by Rep. Bill Seitz (R-Cincinnati) that would allow owners of casinos with less than a 5% stake to avoid licensing requirements was added to the bill. He said the current law that requires licensing for anyone owning as little as 1% is unworkable for a publicly traded company.

Rep. Clyde questioned how the amendment does not run afoul of the single-subject rule.

Rep. Seitz responded the subject matter of the bill is commerce.

"I can't see anybody filing a lawsuit over this because it is simply common sense," he said.

An amendment offered by chairman Rep. Lou Blessing (R-Cincinnati) pertaining to blockchain technology e-signatures was also attached to the measure.

**SB 221** **AGENCY RULEMAKING** (Becker, J.) To reform agency rule-making and legislative review thereof. (**REPORTED-AMENDED (No testimony)**; 4th Hearing-All testimony-Possible amendments & vote)

A clarifying amendment offered by Rep. Blessing to make the language in the measure more consistent with the rest of the section was accepted without objection.

Two Democratic amendments - both offered by Rep. Brigid Kelly (D-Cincinnati) - were tabled.

The first would have removed language allowing a business to challenge an agency rule based on adverse impact. Rep. Kelly called the language "overly broad."

"I think the main thrust is really to just avoid harming business," Rep. Blessing said.

The other would have removed language allowing a business to contest a rule outside of the regular review period.

**SB 263** **NOTARY PUBLIC** (Huffman, M., Wilson, S.) To enact the Notary Public Modernization Act. (**CONTINUED (No testimony)**; 3rd Hearing-All testimony)

**Subscribers Note:** For full testimony see the [committee's website](#) under June 26. Health

**HB 167** **OPIOID MEDICATIONS** (Edwards, J.) Regarding addiction treatment and opioid prescribing by physicians and dentists. (**REPORTED**; 3rd Hearing-All testimony-Possible vote)

The measure was reported unanimously.

Rep. Emilia Sykes (D-Akron) said a constituent with chronic pain raised concerns about the limitations in the initial draft of the proposal and said it could hinder patients' ability to get treatment.

Sponsor Rep. Jay Edwards (R-Nelsonville) said those provisions have been removed from the bill, which now focuses on ensuring patients have access to medication-assisted treatment if a prescriber is unavailable. "I got a lot of the same calls," he said.

**HB 326** **PRESCRIBING AUTHORITY** (Seitz, B., Gavarone, T.) To authorize certain psychologists to prescribe psychotropic and other drugs for the treatment of drug addiction and mental illness. (**CONTINUED (No testimony)**; 6th Hearing-Possible substitute & amendments)

**HB 546** **TELEMEDICINE** (Patton, T.) To prohibit health benefit plans from treating telemedicine services differently from in-person health care services solely because they are provided as telemedicine services. (**CONTINUED**; 4th Hearing-All testimony-Possible vote)

Jimelle Rumberg, executive director of the Ohio Foot and Ankle Medical Association, said the measure would enhance physicians' efforts to provide quality, cost-effective care by allowing the care delivery system to evolve through telemedicine.

"As employers and insurers continue to drive consumers to high-deductible insurance plans that require more patient out-of-pocket requirements, telemedicine and its ability to provide quality care for lower prices could help consumers better manage their out-of-pocket requirements that are mandated by these high-deductible plans," she said.

She disputed claims that the legislation would mandate the use of telemedicine by insurers or health plans, saying it only creates a "payment parity" between in-person and telemedicine services.

"HB546 simply says that payment discrimination to a provider cannot take place solely based on the fact that the service is provided via telemedicine," she wrote. "Insurers and health plans still would have utilization management tools they may use to regulate telemedicine services and HB546 does not infringe on those capabilities."

Miranda Motter, president and CEO of the Ohio Association of Health Plans, said in written testimony that the proposal constitutes a statutory mandate for coverage of telehealth, which could stifle innovation and limit the technology's ability to be a tool to drive down costs.

"Telehealth should not be used to increase health care costs for consumers, employers and the state as the payer for Medicaid and the State Employees Health Plan," she wrote. "As a result, Ohio's health care consumers should not have to pay for 'bricks and mortar' infrastructure, facility fees and other types of fees hospitals and doctors charge for in-person services."

**HB 559**      **CHILD IMMUNIZATIONS (Gonzales, A., Landis, A.)** To make changes to the law governing immunization of children enrolled in school, preschool programs, and day-care programs. (**CONTINUED-SUBSTITUTE; 4th Hearing-Possible substitute & amendments**)

The panel accepted a substitute version that removes the requirement that the Department of Health publish immunization rates by school building and makes other changes, said Rep. Theresa Gavarone (R-Bowling Green). (**Comp Doc**)

The school building change stemmed from concerns that it could lead to shaming and might allow specific students to be identified, she said.

The new version retains provisions about school-level reporting to ODH and clarifies that information from private and parochial schools is not to be posted on the department's website, she said.

Rep. Gavarone said the new version expands the eligible documents to include a copy of the child's immunization record and allows the provider to submit a form for parents seeking a non-medical exemption. It also delays implementation until the 2021 school year.

The committee received written testimony from Donna Kazee, president of Ohio Advocates for Medical Freedom, who urged committee members to pay more attention to concerns from opponents.

Ms. Kazee raised concerns about the tracking of vaccination and exemption status and the public posting of data, and about the insertion of a third party into the exemption process against the parent's choosing.

"These and other parents should not be forced to receive education and information when they are declining for religious/conscience reasons, which have nothing to do with medical information," she said.

She also suggested more details of the required form be standardized, raising concerns that it could include statements such as that they are placing their child and others in danger by not vaccinating.

"We encourage and are happy to assist with further discussion about both standardized form contents and responsibility and determination of standardized risk and benefit information," she said.

**HB 677** **MENTAL HEALTH** (Barnes, J.) To require the Department of Mental Health and Addiction Services to operate a demonstration program under which a mental health trauma center is established as part of a county hospital located in Cuyahoga County. (CONTINUED; 1st Hearing-Sponsor & proponent)

Sponsor Rep. John Barnes (D-Cleveland) said it would require a mental health trauma center to be established through a demonstration program at a county hospital in Cuyahoga County. "In the state of Ohio, we have a crisis of mental health issues, and largely our government has been reactive to the problem," he said.

The proposal is intended to get out in front of the issue by improving access to mental health services, particularly short-term services, he said.

The sponsor said he hoped to work out the details of the proposal over the summer.

**HB 72** **STEP THERAPY** (Johnson, T., Antonio, N.) To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid. (CONTINUED-SUBSTITUTE; 6th Hearing-Possible substitute)

The committee accepted a substitute version that Rep. Terry Johnson (R-McDermott) said made a variety of changes. (Fiscal Note)

The new version replaces the terms "based on medical necessity" and "medically appropriate" with "consistent with medical and scientific evidence," he said. It also reduces the exemptions to four and modifies them. It now exempts a patient when the medication is contra-indicated or will likely cause an adverse reaction or physical or mental harm, as opposed to previously just if it is contra-indicated, he said.

The substitute version also makes changes to the appeals process, he said.

**Civil Justice** **HB 147** **HUMANE SOCIETIES** (Hambley, S.) To make changes to humane society law and to make humane society agents subject to bribery law. (REPORTED; 4th Hearing-All testimony-Possible vote)

Corey Roscoe, Ohio state director for the Humane Society, submitted interested party testimony in which she said concerns remain that the regulations proposed "can create overdue burdens and unintentionally make it harder for humane societies to perform their volunteer law enforcement duties."

"One prominent concern of the bill is to require non-prosecution requirements entered in by humane society-appointed prosecutors be approved by a judge but not required for all prosecutors and cases prosecuted under 959," Ms. Roscoe wrote. "The law should be

consistent for all prosecutors if the goal of judicial review is to serve as a check and balance."

**HB 615** **DEBT COLLECTIONS** (West, T.) To require creditors, prior to collecting the debt of a decedent outside of probate, to explicitly inform the person from whom payment is sought that the person is under no obligation to pay the debt. (**CONTINUED**; 1st Hearing-Sponsor)

Due to the lateness of the committee's start, in terms of HB615, HB672 and HB694, Chair Rep. Jim Butler (R-Oakwood) said the panel would accept written sponsor testimony to constitute each bill's first hearing. Sponsors may appear before the panel at a later date to answer questions, he said.

In written testimony, Rep. Thomas West (D-Canton) urged support for his measure that aims to ensure those who have lost loved ones don't mistakenly believe they are obligated to pay the deceased's debts.

"House Bill 615 will require all creditors that have claims against an estate to inform the person from whom payment is sought, that they as an individual are under no obligation to pay the debt," the sponsor wrote. "The bill also states that failure to inform the individual is considered an unconscionable act and renders the creditor subject to legal action by the Attorney General or by the individual that was left uninformed."

**HB 672** **PUBLIC RECORDS** (Barnes, J.) To create a procedure by which a person may obtain a court order to correct an error, omission, or legal defect in a public record, and to name the act the "Final Order Correction Act." (**CONTINUED**; 1st Hearing-Sponsor)

Rep. John Barnes (D-Cleveland) said in his written presentation the proposal would enable a person to file a petition in the court of common pleas to request a correction or invalidation if an error, omission or legal defect is found in a public record.

The error must personally affect the complainant, who must then file with the county where the office responsible for the record is located or where the record is kept. The office must then respond and state the basis for belief the record is accurate.

The court would then determine whether a correction or invalidation is required based on a preponderance of the evidence. "The (bill) will ensure that the constitutional right of due process is achieved," Rep. Barnes wrote.

**HB 694** **CONTRACT LIMITATIONS** (Lang, G.) To shorten the period of limitations for actions upon a contract. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. George Lang (R-West Chester Twp.) said in written testimony his proposal is "short but significant" in that it reduces the statute of limitations for written and oral contracts from eight and six years respectively to three years.

"As a business owner, the more certainty I can gain, the more business risks I can take," Rep. Lang said. "If I know my liability on a contract only runs for three years, I can take on different relationships. I can be certain that my current obligation will run for a time certain. This allows me to launch capital expenditures, strategically deploy capital, and to secure appropriate risk management devices."

Ohio previously had a 15-year statute on written contracts until 2012. He pointed to similar steps taken by Kentucky and other states, saying they risk putting Ohio at a competitive-disadvantage.

"A significant, tangible cost savings will result for business by removing the necessity to retain eight years of documents," Rep. Lang said. "More and more, document retention is becoming a cost driver for business. Limiting the need to only three years, will remove a key burden on businesses."

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Click the  after a bill number to create a saved search and email alert for that bill.

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**Wednesday, June 27, 2018**

**IN TODAY'S HANNAH REPORT:**

**Please click here to read the entire Hannah Report.**

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- [Senate Releases Calendar for Second Half of 2018](#)
- [House OKs Religious Rights Bills, Child Marriage Ban, Rules on Explicit Images](#)
- [Senate Passes Government Regulations Reduction, Community School Legislation](#)
- [Dems Thwarted in Effort to Report Out Payday Lending Bill](#)
- [Senate Panel Seeks to Clarify E-School 'Safe Harbor' Provisions](#)
- [Energy Standards Bill Still Not Ready to Move, Lawmakers Say](#)
- [Portman, Brown Tout Defense Investment, Push Lake Erie Clean-Up](#)
- [SCOTUS Rules against Public-Sector Labor Unions](#)
- [Reactions Roll In to SCOTUS Decision in Janus v. AFSCME 31](#)
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## NEWS

Firm hired to investigate lawmaker also donated to him (Associated Press, 6/28/2018)

Ohio lawmakers look to provide online academy 'safe harbor' (Associated Press, 6/28/2018)

Grab a beer with man's best friend: Ohio expected to allow dogs on patios (Cincinnati Enquirer, 6/28/2018)

This U.S. Supreme Court decision might have forced Ohio into 'right-to-work' (Cincinnati Enquirer, 6/28/2018)

Bone appetit: Dogs could soon be welcome at bar and restaurant patios (Cleveland Plain Dealer, 6/28/2018)

Ohio lawmakers OK \$114.5 million for new voting machines (Cleveland Plain Dealer, 6/28/2018)

Ohio legislature passes blockchain legislation (Cleveland Plain Dealer, 6/28/2018)

**Ohio Senate Democrats push for payday lending vote; Republicans scramble to shut it down (Cleveland Plain Dealer, 6/28/2018)**

**Schools that took in ECOT kids win 'safe harbor' from penalties for bad grades (Cleveland Plain Dealer, 6/28/2018)**

**Sherrod Brown nabs endorsement from Ohio doctors group (Cleveland Plain Dealer, 6/28/2018)**

**Drug middlemen charging Ohioans triple the going rate (Columbus Dispatch, 6/28/2018)**

**Law firm that cleared legislator also gave him cash (Columbus Dispatch, 6/28/2018)**

**Ohio legislature sends package of e-school bills to Kasich (Columbus Dispatch, 6/28/2018)**

**Ohio legislature sends package of e-school bills to Kasich (Columbus Dispatch, 6/28/2018)**

**Ohio payday lenders off the hook — for now at least (Columbus Dispatch, 6/28/2018)**

**Sexting bill looks to give teens a break for bad choice (Columbus Dispatch, 6/28/2018)**

**Ohio congressman: Delay replacing Justice Kennedy till after fall election (Dayton Daily News, 6/28/2018)**

**Ohio House votes to prohibit forcing churches to perform gay weddings (Dayton Daily News, 6/28/2018)**

**Ohio lawmakers vote to ban sexting by anyone under 19, set up diversion program (Dayton Daily News, 6/28/2018)**

**Ohio lawmakers vote to end fees charged for credit freezes (Dayton Daily News, 6/28/2018)**

**Ohio lawmakers vote to raise marriage age after Dayton Daily News investigation (Dayton Daily News, 6/28/2018)**

**High court strikes down fair-share fees for public workers (Toledo Blade, 6/28/2018)**

**Last minute bills move in Ohio House, Senate (Toledo Blade, 6/28/2018)**

**State lawmakers approve Lake Erie funding bill (Toledo Blade, 6/28/2018)**

**Toledo abortion clinic argues state fines unwarranted (Toledo Blade, 6/28/2018)**

## **EDITORIALS**

**Sarah LaTourette a rising star in Ohio House: Brent Larkin (Cleveland Plain Dealer, 6/28/2018)**

**Editorial: Cops in schools are helpful with appropriate guidelines (Columbus Dispatch, 6/28/2018)**

**Payday lending fiasco (Toledo Blade, 6/28/2018)**

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## HOUSE E-CLIPS

6/28/2018



### **OHIO LAWMAKERS LOOK TO PROVIDE ONLINE ACADEMY 'SAFE HARBOR'**

Ohio's Republican-led Legislature is preparing to temporarily relax academic performance standards on a virtual school that took in thousands of students from a now-shuttered competitor.

### **FIRM HIRED TO INVESTIGATE LAWMAKER ALSO DONATED TO HIM**

A law firm that cleared one of Ohio's most powerful state lawmakers of a sexual harassment allegation in April contributed to the politician's campaign while the probe was going on, state campaign finance filings show.



### **DRUG MIDDLEMEN CHARGING OHIOANS TRIPLE THE GOING RATE — OR MORE**

Pharmacy middlemen are charging Ohio taxpayers three to six times as much to process prescription drugs for the poor and disabled as the industry standard.

### **OHIO LEGISLATURE SENDS PACKAGE OF E-SCHOOL BILLS TO KASICH**

With ECOT closed and other Ohio e-schools still struggling to verify the enrollment numbers used to pay them, state legislators sent a package of proposals to Gov. John Kasich aimed at clarifying the basis for paying the schools.

### **PASTOR PROTECTION ACT PASSES OVER DISCRIMINATION CONCERNS**

A Pastor Protection Act that supporters say upholds religious freedom but critics call unnecessary and discriminatory against gay couples was approved by the Ohio House on Wednesday.

### **LAW FIRM THAT CLEARED LEGISLATOR ALSO GAVE HIM CASH**

The Ohio House of Representatives regularly has turned to the law firm of Taft, Stettinius & Hollister when in need of an outside investigator.

### **SEXTING BILL LOOKS TO GIVE TEENS A BREAK FOR BAD CHOICE**

Not wanting to hammer all teens with harsh penalties when they are caught sending nude photographs, the Ohio House voted unanimously on Wednesday to support a lesser penalty for young first-time offenders.

## **Dayton Daily News**

[www.daytondailynews.com](http://www.daytondailynews.com)

### **OHIO HOUSE VOTES TO REQUIRE DRIVERS TO MOVE OVER FOR TRASH TRUCKS**

A measure to require drivers to "move over" when passing trash trucks with flashing lights was approved by the Ohio House on Wednesday on a 84-0 vote.

### **OHIO LAWMAKERS VOTE TO RAISE MARRIAGE AGE AFTER DAYTON DAILY NEWS INVESTIGATION**

Following a Dayton Daily News investigation into thousands of minors getting married in Ohio, lawmakers on Wednesday voted to raise the marriage age to 18 and allow 17-year-olds to marry under some conditions.

### **OHIO TEACHERS MAY FACE MORE TRAINING ON YOUTH SUICIDE RISKS**

Teachers and other public school workers would be required to be trained on the signs that a youth may be at risk of suicide, under a bill that passed the Ohio House on Wednesday by a 82-0 vote.

## **THE PLAIN DEALER**

### **OHIO SENATE DEMOCRATS PUSH FOR PAYDAY LENDING VOTE; REPUBLICANS SCRAMBLE TO SHUT IT DOWN**

Democrats on a committee vetting a proposal to restrict payday loans tried to advance the measure to the full Senate on Wednesday, but the Republican majority successfully defeated the effort.

### **OHIO LAWMAKERS OK \$114.5 MILLION FOR NEW VOTING MACHINES**

Help is on the way to replace Ohio's aging voting machines.

### **SCHOOLS THAT TOOK IN ECOT KIDS WIN 'SAFE HARBOR' FROM PENALTIES FOR BAD GRADES**

ECOT students were so far behind other students that schools taking them in deserve a "safe harbor" from damage to their grades, the Ohio legislature decided Wednesday.

### **OHIO LEGISLATURE PASSES BLOCKCHAIN LEGISLATION**

Ohio is close to becoming the latest state to offer legal support for blockchain-based business transactions, following a Wednesday vote by the state's General Assembly.

### **OHIO LAWMAKERS PASS WAVE OF BILLS HEADING INTO SUMMER BREAK: CAPITOL LETTER**

Wrapping up: On their final session day before the Ohio General Assembly heads into summer break, both chambers passed dozens of bills during marathon sessions that lasted well into Wednesday evening.

### **SARAH LA TOURETTE A RISING STAR IN OHIO HOUSE: BRENT LARKIN**

Sarah LaTourette was afraid to tell her father.

## **THE ENQUIRER**

### **GRAB A BEER WITH MAN'S BEST FRIEND: OHIO EXPECTED TO ALLOW DOGS ON PATIOS**

In the middle of the dog days of summer or after a "ruff" time at work, you'll soon be able to sip a Bud – or maybe some hair of the dog – with man's best friend, thanks to a bill passed by Ohio lawmakers to allow dogs on outdoor patios.

### **THIS U.S. SUPREME COURT DECISION MIGHT HAVE FORCED OHIO INTO 'RIGHT-TO-WORK'**

Remember that bitter fight against Ohio's Senate Bill 5? A U.S. Supreme Court decision just upended part of it.

### **PAYDAY LENDING: NO VOTE ON CONTROVERSIAL BILL FOR NOW**

Ohio lawmakers won't place any more restrictions on the payday lending industry for now – slowing down a bill that sped through one chamber following an FBI probe into its leader's travel with lobbyists.

## **THE BLADE**

### **STATE LAWMAKERS APPROVE LAKE ERIE FUNDING BILL**

As the annual peak season for toxic algal blooms on Lake Erie approaches, lawmakers on Wednesday finalized a bipartisan measure putting \$36 million more in state funds behind efforts to tackle the issue even as critics argue that just throwing more money at the problem isn't the answer.

### **LAST MINUTE BILLS MOVE IN OHIO HOUSE, SENATE**

In their rush for the door for the summer, the Ohio House and Senate on Wednesday voted on more than 50 bills, with some headed for the governor's signature.

### **BILL PROTECTING E-SCHOOL HEADS TO GOVERNOR**

A bill shielding what is now Ohio's largest online school and its sponsor from the negative consequences of accepting thousands of former Electronic Classroom of Tomorrow students is headed to Gov. John Kasich for his signature.

### **EDITORIAL: PAYDAY LENDING FIASCO**

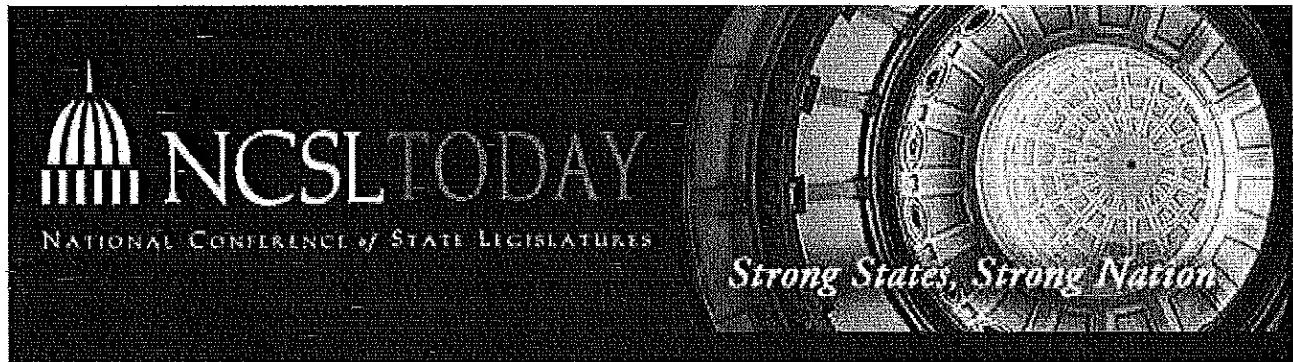
Clamping down on predatory lenders, who charge Ohioans the highest interest rates in the nation, should not require a constitutional amendment, but apparently it's going to.

**From:** NCSL TODAY  
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**Subject:** Hey, you, behind the wheel: Turn off 'Survivor'

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## TOP NEWS June 28, 2018

### States cracking down on streaming video while driving

USA TODAY

Georgia isn't the only state to single out streaming as a new danger. A Washington state law, the Driving Under the Influence of Electronics Act, in January was the first to specifically mention video on phones. It even makes it illegal for Washington drivers to sneak a peek at their smartphone when stopped in traffic or at a stoplight, though they can touch a mounted or in-dash screen. **NCSL's Annie Kitch quoted.**

[NCSL resources on distracted driving.](#)

### 'Now comes the interesting part' with online sales tax collections

Route Fifty

The court ruling in *South Dakota v. Wayfair, Inc.* has also left complicated questions in its wake. Like what the specifics of new state policies could look like, whether Congress will take action, and how companies that sell goods online will react. **NCSL's Max Behlke quoted.**

### Maine legislature passes sweeping medical marijuana reform bill

Portland Press Herald

The bill, which now goes to Gov. Paul LePage, would let caregivers expand their business operations. For example, they could hire more than one worker, and sell up to 30 percent of their harvest to other caregivers and



**REUTERS/Karen Bleier**

### Webinar 3 p.m. ET TODAY Federal infrastructure funding - an update while we wait

One of the most talked-about possibilities for federal action in 2018 is a new infrastructure bill that aims to inject what nearly all experts agree is a significant boost of funds for many of our national infrastructure systems.

**REUTERS/Jonathan Ernst**

dispensaries.

[NCSL resources on medical marijuana.](#)

## Ohio legislature passes blockchain legislation

*Cleveland.com*

Ohio is close to becoming the latest state to offer legal support for blockchain-based business transactions, following a Wednesday vote by the state's General Assembly.

[NCSL LegisBrief on blockchain technology.](#)

## South Carolina lawmakers OK rate cuts for failed nuclear plants

*Associated Press*

South Carolina lawmakers have approved a temporary rate cut of nearly 15 percent for customers of a private utility who paid billions for two nuclear reactors that never produced power.

## Commercial spaceports still waiting for liftoff

*Stateline*

Communities are eager to tap into the growing commercial space industry.

=A

## 2017 state tax actions

Hear from thought leaders at NCSL's Legislative Summit July 30-Aug. 2

Connect with the new NCSL Events mobile app



## Supreme Court deals blow to unions in Janus case

The U.S. Supreme Court held 5-4 in *Janus v. AFSCME* that state statutes allowing public sector employers and unions to agree that employees who don't join the union must still pay their "fair share" of collective bargaining costs violate the First Amendment.



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**From:** Ben Stein, Policy Matters Ohio  
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## Keep your head up: News from Policy Matters

It's been a rough couple of weeks for progressives in Ohio and across the nation. But let's not hang our heads. This edition of eNews features nine things we can do—right now—to help build a world we all want to live in. As everyone's favorite Wobbly songwriter [Joe Hill](#) put it, "Don't waste any time mourning — Organize!"

**We can join and support unions:** Though the Supreme Court's [decision in Janus v. AFSCME](#) is a transparent attempt to divide public sector workers, it doesn't prevent them from organizing. Though corporate-sponsored union-busting legislation has private sector unions in the crosshairs, it can't stop us from joining together to take back our workplaces. We know that [unions make for safer, better jobs](#), especially for [women and people of color](#). Now's the time to rally around our unions, public and private.

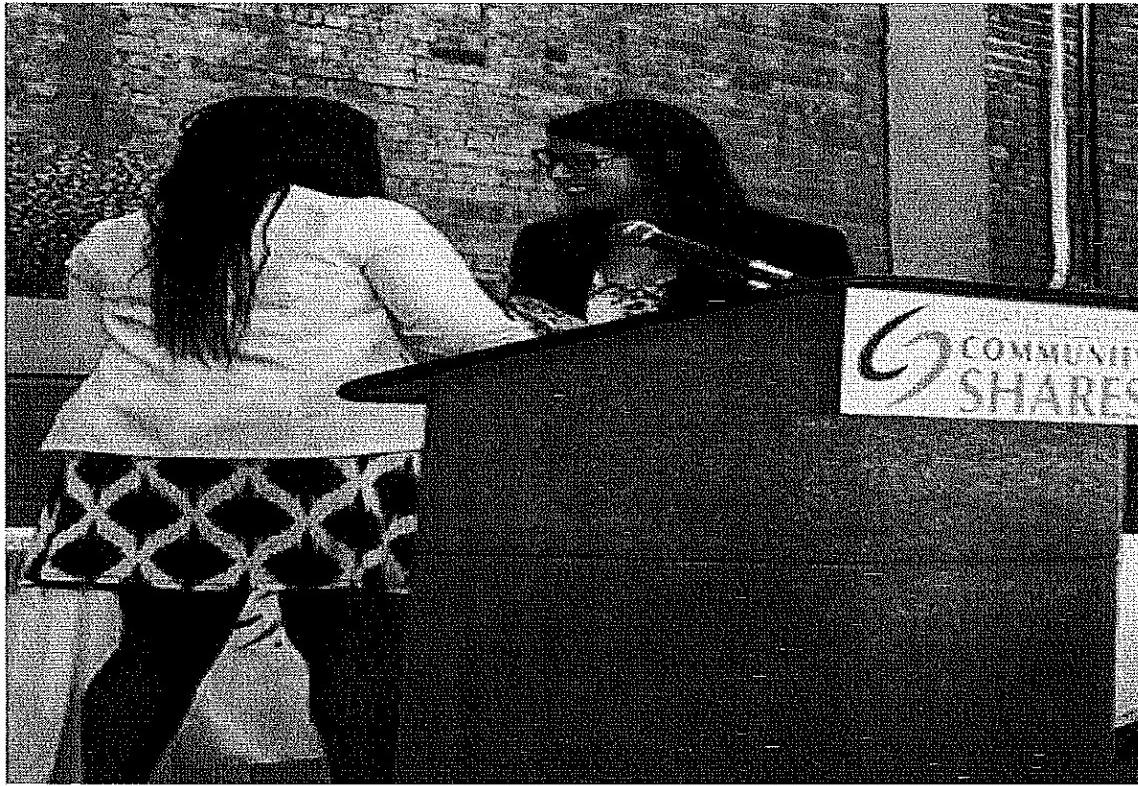
**We can resist new Medicaid regulations:** Looking for ways to stand up for Medicaid expansion? Then check out our website's new [Medicaid landing page](#), where we've packaged Amanda Woodrum's [deep dive](#) into the effects of proposed cuts to expansion; Wendy Patton's [exposé](#) of the federal government's misleading justifications for Medicaid rule changes; factsheets that calculate the number of Medicaid enrollees at risk of

osing their coverage in each Ohio county; and lots more. The page is a primer for understanding the threats posed by Governor Kasich's proposed changes, and a toolkit for resisting them.

**We can make it easy for our officials to condemn Medicaid cuts:** As the Cleveland office's resident attorney, Amanda Woodrum is making it simple for county and municipal governments to declare opposition to new Medicaid regulations. Her [two-page template](#) lays out language for an official resolution, "urg[ing] the federal Centers for Medicare and Medicaid Services to disapprove the State of Ohio's Medicaid waiver request that would force harmful cuts to Medicaid Expansion enrollment and increase the rate of uninsured in Ohio." You can find the relevant data in your county's [factsheet](#). Just enter the information into the fillable PDF and send the ready-made resolution to your county legislator or city council.

**We can turn taxes right-side up:** As a share of their income, Ohio's wealthiest 1 percent pay around half what people pay at the bottom of the income scale. Experts call it an upside-down model. Zach and Wendy have authored [a plan](#) to turn our taxes right-side up. Help us get our plan in front of the people who need to see it most: gubernatorial candidates Rich Cordray and Mike DeWine. Tweet [this link](#) to @RichCordray and @MikeDeWine, and let them know Ohio's income tax system needs an overhaul.

**We can (and did!) pressure our Senators to do what's right:** Though the U.S. House of Representatives [passed a Farm Bill](#) that included shameful cuts to SNAP, the Senate passed a far better, bipartisan bill that defends SNAP and helps food banks. Now the two houses need to agree on a compromise bill. Keep up the pressure on Senators Brown and Portman—both of whom supported the Senate bill—and call, email, and Tweet your representative to show your support for a Farm Bill that won't let Ohioans go hungry.



Cynthia Connolly accepts Community Shares' 2018 Rising Activist award

**We can celebrate inspiring activists:** Policy Matters board members, staff, and interns turned out in support of Cynthia Connolly this week, as she received the 2018 Rising Activist award from Greater Cleveland Community Shares. The award honors Cynthia's work as our development director, and her advocacy for Cleveland's Native American community. In her acceptance speech, Cynthia showed she's ready for what's next: "There is so much work yet to be done, and I'm just getting started." Email Cynthia to congratulate her!

**We can invest in our kids:** High-quality child care and early childhood education make for happy, healthy kids who grow up to be compassionate, productive adults. Rob Moore's new report explains how, and lays out policies that would expand access. Among them is a recommendation that Ohio Department of Job & Family Services straighten out their flawed formula for reimbursement. Let's make sure they get the message. Tweet @OhioJFS with a link to Rob's report, and urge them to take his advice so more families can afford the kind of child care that brightens everyone's future.

**We can talk about our important work:** Hannah Halberthelmed another edition of our summer roadshow in support of A Winning Economic Agenda for Ohio's Working Families, our collaboration with Innovation Ohio Education Fund. Rob spoke about access to high-quality child care at an event for the Women's Fund of Central Ohio, and led breakout groups at a forum for the Health Policy Institute of Ohio. Daniel Ortiz took part in a community roundtable about public transit, and a press conference by Latinx leaders responding to ICE's massive workplace deportation raids on Ohio businesses. Mike Shields participated in a panel at Ohio Asian American / Pacific Islander Legislation Day, discussing immigrants' rights on the job. We're always grateful for our outreach too! Please talk up Policy Matters' work during your July 4<sup>th</sup> barbecues, family picnics, camping trips, rallies and marches!

**And we can form a union!**

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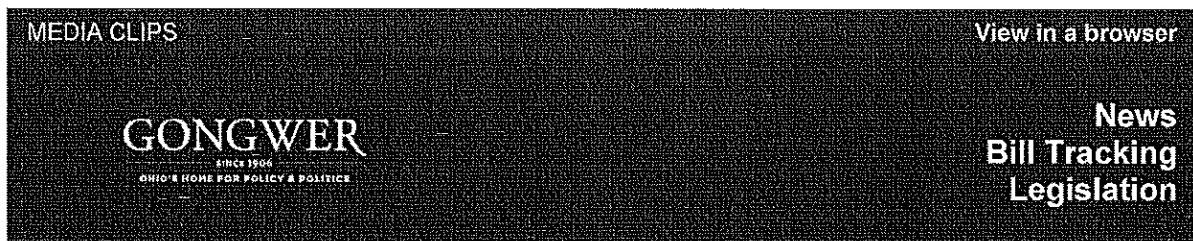
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## NEWS

**Auditor's report shows opioids impact on Medicaid(Associated Press, 7/2/2018)**

**Ohio Lawmakers Approve Lake Erie Algae Prevention Bill(Associated Press, 7/2/2018)**

**Biden in Cincy: Trump's ideology is 'aggrandizing power'(Cincinnati Enquirer, 7/2/2018)**

**Complaint: Security should not stop black, female lawmaker(Cincinnati Enquirer, 7/2/2018)**

**Ohio's Trump country is fond of this Democrat(Cincinnati Enquirer, 7/2/2018)**

**First Ohio medical marijuana cultivator OK'd to grow cannabis, testing lab licenses awarded(Cleveland Plain Dealer, 7/2/2018)**

**Hey Washington, regular Ohioans agree on these federal budget fixes(Cleveland Plain Dealer, 7/2/2018)**

**Ohio's new compliant driver's licenses: What documents will you need?(Cleveland Plain Dealer, 7/2/2018)**

**Rep. Emilia Sykes files racism, sexism complaints with Ohio Civil Rights Commission over state building security allegations(Cleveland Plain Dealer, 7/2/2018)**

**Capitol Insider: Why is Ohio Medicaid defending pharmacy middlemen?(Columbus Dispatch, 7/2/2018)**

**Fireworks bill still up in the air as July Fourth holiday approaches(Columbus Dispatch, 7/2/2018)**

**Ohio teacher evaluations get an overhaul teachers like(Columbus Dispatch, 7/2/2018)**

**Ohio U and University of Toledo team up on health issues, including opioids(Columbus Dispatch, 7/2/2018)**

**Video catches Cordray dropping another Nazi reference(Columbus Dispatch, 7/2/2018)**

**Local child's death could spark statewide abuse registry(Dayton Daily News, 7/2/2018)**

**Ohio governor race: DeWine says he wants to make these changes to Ohio's early childhood programs(Dayton Daily News, 7/2/2018)**

**Some Ohio Democrats on ballot this year for Congress say Pelosi must go(Dayton Daily News, 7/2/2018)**

**2 Butler County Statehouse candidates among the state's top fundraisers since January(Journal-News, 7/2/2018)**

**Ohio lawmakers back bill requiring teachers to out transgender kids(Journal-News, 7/2/2018)**

**Lawmakers send Clean Lake 2020 Plan to Kasich(Port Clinton News Herald, 7/2/2018)**

**Fireworks regulations vary by state, city(Toledo Blade, 7/2/2018)**

**Government, military officials in favor of Trump's nuclear bailout plan(Toledo Blade, 7/2/2018)**

**Janus ruling unlikely to impact local unions, organizers say(Toledo Blade, 7/2/2018)**

**U.S. Rep. Marcy Kaptur to receive key to the city(Toledo Blade, 7/2/2018)**

## **EDITORIALS**

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**Beacon Journal/Ohio.com editorial board: Repair online charter schools? Statehouse Republicans aren't there yet(Akron Beacon Journal, 7/2/2018)**

**Ohio lawmakers pass questionable legislation in 'bill-a-thon' session: Thomas Suddes(Cleveland Plain Dealer, 7/2/2018)**

**Editorial: Senate payday delay hurts consumers but helps lobbyists(Columbus Dispatch, 7/2/2018)**

**Sherrod Brown steps up(Toledo Blade, 7/2/2018)**

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**To:** Griffin, Lisa  
**CC:** Kristen Hildreth; Jennifer Schultz  
**Subject:** NCSL 2018 Legislative Summit - NRI Committee NCSL Policy Submission Deadline and Committee Conference Call Save the Date



Members of the Natural Resources and Infrastructure Committee,

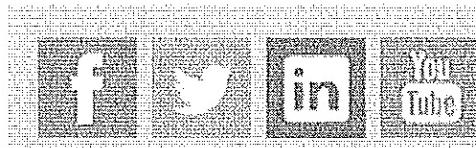
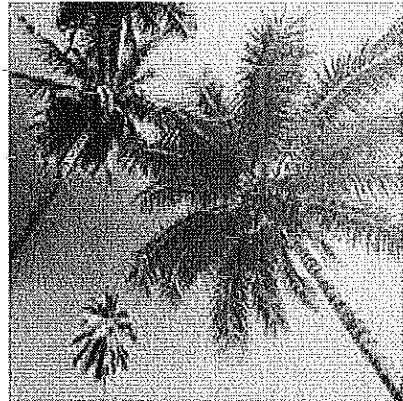
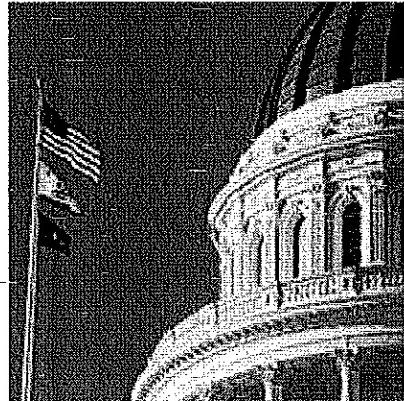
Good morning and happy early Fourth of July. As a reminder, any new policies OR amendments to existing policies must be submitted by **COB today, Monday July 2.**

Additionally, please save the date for a **full committee conference call on Wednesday, July 18 at 3pm ET/2pm CT/1pm MT/noon PT.** The call will provide an opportunity for all committee members to review both the committee's agenda and the policy resolutions and amendments the committee will consider at its business meeting. We will email out call in information, an agenda, and a book of the policies for review next week.

Finally, as a reminder, as we get closer to **NCSL's 2018 Legislative Summit, July 30 – August 2 in Los Angeles, California**, if you have not already registered, please do so at your earliest convenience – the “advanced” registration rate of \$685 ends on July 11. Additionally, the last day to book a hotel deadline is also July 11.

If you have any questions or concerns, please do not hesitate to contact myself, Kristen or Jen.

– NRI Committee Staff



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**From:** Capitol Letter  
**Sent:** Friday, July 6, 2018 6:15 AM  
**To:** Griffin, Lisa  
**Subject:** 'Right-to-work' group threatens to sue Ohio after Supreme Court ruling

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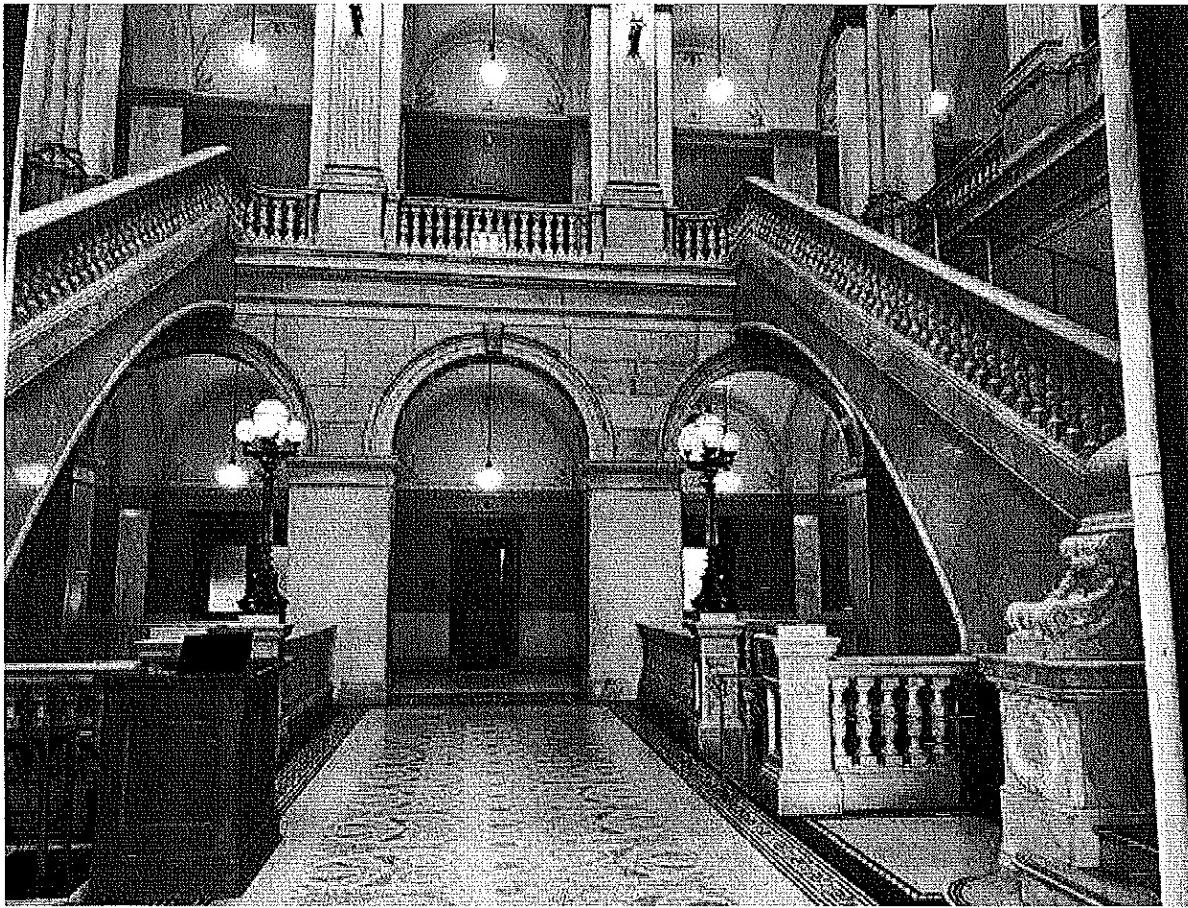
Friday, July 6, 2018

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# Capitol Letter

Laura Hancock, Jeremy Pelzer & Jackie Borchardt



The west entrance of the Ohio Senate Building is a smaller-scale version of a famed staircase in the Paris Opera House, with Carrara marble from Italy and gold leaf on the walls. (Laura Hancock/cleveland.com)

## Rotunda Rumblings

**Just due it:** A “right-to-work” advocacy group has threatened Ohio with a lawsuit if it doesn’t immediately stop collecting union dues from non-union state workers. But [cleveland.com’s Jeremy Pelzer reports](#) that the agency that handles payroll for state employees hasn’t taken any action so far in response to the June 27 U.S. Supreme Court decision in *Janus v. AFSCME*.

**Moving forward:** Supporters of a proposed November ballot issue that would set new standards for dialysis treatment and cap what for-profit clinics can charge submitted more than 475,000 signatures

Wednesday, [cleveland.com's Kaylee Remington reports](#).

**Also moving forward:** Supporters of the "Neighborhood Safety, Drug Treatment and Rehabilitation Amendment" also submitted more than 730,000 signatures on Wednesday in hopes of making the November ballot, [cleveland.com's Jackie Borchardt writes](#). The proposed amendment would reduce penalties for individuals convicted of nonviolent drug and drug paraphernalia possession crimes and direct the cost savings to addiction treatment and crime victim programs. The secretary of state's office has until July 24 to certify each proposed amendment collected at least 305,591 valid signatures.

**All aboard:** Columbus will have Ohio's first self-driving shuttles by December, [writes cleveland.com's Laura Hancock](#). The city, state and Ohio State University are seeking proposals for companies that can operate a shuttle service downtown.

**Back from the dead?** The Libertarian Party of Ohio has filed petitions this week to regain Ohio "minor-party" status for the first time since the 2014 election. As [Pelzer explains](#), if the party can get on the ballot this year, it's likely to run Columbus filmmaker ([and anti-Gov. John Kasich satirical groupfounder](#)) Travis Irvine for governor.

**Jordan fights back:** U.S. Rep. Jim Jordan, in an interview with reporters on the Fourth of July in Fremont, Ohio, again disputed claims that he knew Ohio State wrestlers had been sexually abused by a team doctor. [Cleveland.com's Sabrina Eaton rounds up](#) the latest in the nationally publicized story, including Jordan's assertion that an ex-wrestler making the accusations has sent him harassing emails.

**Inside the Statehouse:** Ohio officials laid the first cornerstone for the Ohio Statehouse 171 years ago. [Cleveland.com's Laura Hancock shows](#) the building's rich history with 16 images.

**He's running:** Literally. [Cleveland.com's Seth Richardson caught up](#) (no easy task) to Republican Attorney General Mike DeWine on the Fourth of July doing one of the things he loves best: marching in parades. Richardson has an entertaining time-lapse video of DeWine logging nearly

8,500 steps before noon. The GOP gubernatorial nominee was of course accompanied by his wife, Fran, handing out her legendary cookbook.

**Where are they now?** The status of about 2,300 former students from the shuttered Electronic Classroom of Tomorrow is unknown, the Associated Press reveals. Many students from the controversial online charter school transferred to other schools, but the state doesn't know what happened to the rest, the AP reports.

**No reply:** "Records show more than 200 courts across Ohio failed to respond to Gov. John Kasich's executive order seeking more information on their history with the national background check database used in stopping gun-related crimes," reports Julie Carr Smyth of the AP. Those that didn't respond were mostly small mayor's courts, the report says.

**Kasich, the anti-Trump:** The governor is out with another op-ed, this time decrying President Donald Trump's trade war. The piece appears in the Financial Times.

**Unfinished business:** Ohio lawmakers sent a lot of bills to Gov. John Kasich before they took a summer break. But they left some high-profile legislation hanging, reports Carr Smyth of the Associated Press. That includes payday loan restrictions and a controversial "stand your ground" bill.

**Preventive measures:** The Washington Post looked at the case of the 4,000 eggs and embryos that were lost at the University Hospitals fertility center. The Post report features an interview with Ohio Sen. Joe Schiavoni who is working on a bill "he hopes will help prevent such disasters in the future and introduce penalties for fertility clinics that violate the new safeguards," Post reporter Ariana Eunjung Cha writes.

**For what ailes you:** If you're wondering whether your illness would qualify you for legal medicinal marijuana in Ohio, Borchardt created a handy list of medical conditions.

## Full Disclosure

Five things we learned from the April 9 financial disclosure statement of state Rep. Jeff Rezabek, a Dayton Republican who is resigning to become a Montgomery County Juvenile Court judge. Gov. John Kasich appointed him to the new post Monday.

1. Rezabek reported earning \$25,000 to \$49,999 last year as an attorney in private practice licensed in Ohio and New York. He made \$65,476 as a lawmaker, according to the Ohio Treasurer's office.
2. At some time in 2017, he owed at least \$1,000 to Nelnet, Fifth Third Bank, Day Air Credit Union, Bank of America, Credit First, N.A. and U.S. Bank. His campaign committee, Citizens for Rezabek, owed him at least \$1,000 at some point last year.
3. The Ohio House reimbursed him \$3,197.38 for mileage between home and Columbus. The Ohio Judicial Conference gave Rezabek \$173.25 for a hotel room during its annual meeting in Columbus, when he participated in a legislative panel. The Ohio House Republican Organizational Committee paid for \$133.40 in travel. The Ohio Chamber of Commerce paid for his \$69 lodging at its Policy Conference at Salt Fork in September. The Campaign for Fair Sentencing of Youth paid \$487.40 for his hotel, meals and flight to a conference last year.
4. He received an unspecified gift from Virginia Ragan, a prominent Republican donor, worth at least \$75.
5. School Choice Ohio Inc. paid \$33.66 for Rezabek to attend a "lunch and learn" session March 30, 2017. He received at least one Dayton Dragons baseball ticket last year, worth \$20.97, from the Dayton Development Coalition. He also received \$58 in food at a Dayton Dragons game from the Dayton Area Chamber of Commerce.

## **Birthdays**

Saturday: State Rep. John Patterson; Beth Vanderkooi, executive director of Greater Columbus Right To Life; James E. Campbell, Ohio's 38th governor (1843-1924); A. Victor Donahey, Ohio's 50th governor (1873-1946)

## Straight From The Source

"I normally only give this to mediocre college football coaches."

- Toledo Mayor Wade Kapszukiewicz,while presenting a key to the city to Congresswoman Marcy Kaptur. Kapszukiewicz took some flak from Ohio State University fans-and the University of Toledo earlier this year for giving a ceremonial key to University of Michigan football coach Jim Harbaugh. Harbaugh, a Toledo native, headlined an event there in May that raised \$100,000 for legal aid services.

***One of our aims with Capitol Letter is frequent communication with you, the reader. We value your thoughts and suggestions about the newsletter. What do you think of it? What features do you like? What could we do better? Is there a topic you'd like to see us address? And what time would you like to receive the newsletter? We've been sending it at about 6:15 a.m. Would you like it to arrive earlier? We value your feedback and are committed to making Capitol Letter your essential first read of the morning. Email us at [Capitolletter@cleveland.com](mailto:Capitolletter@cleveland.com).***

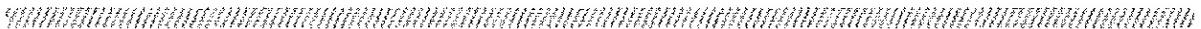
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## NEWS



**Payday loans, guns among stalled issues at Ohio Statehouse**  
(Associated Press, 7/6/2018)

**Status of 2,300 former ECOT students unknown, Associated Press reports** (Associated Press, 7/6/2018)

**Why is PG Sittenfeld raising money? (Cincinnati Enquirer, 7/6/2018)**

**Why Ohio keeps voting on odd, complicated issues (Cincinnati Enquirer, 7/6/2018)**

**Ohio drug treatment and rehabilitation amendment could be on November ballot (Cleveland Plain Dealer, 7/6/2018)**

**Ohio Libertarians seek a return to the ballot this year (Cleveland Plain Dealer, 7/6/2018)**

**Right-to-work group demands Ohio stop collecting union dues from some state workers (Cleveland Plain Dealer, 7/6/2018)**

**What medical conditions can be treated with medical marijuana in Ohio? (Cleveland Plain Dealer, 7/6/2018)**

**Democrat Danny O'Connor launches ad linking himself to ... John Kasich? (Columbus Dispatch, 7/6/2018)**

**DeWine says hands tied on pursuing ECOT -- until trial-court ruling (Columbus Dispatch, 7/6/2018)**

**Ohio Libertarians submit petition forms to regain minor-party status (Columbus Dispatch, 7/6/2018)**

**Ohio native Andrew Wheeler, former coal lobbyist, is new EPA leader (Columbus Dispatch, 7/6/2018)**

**Trump says he doesn't believe allegations against Jim Jordan; new victim emerges (Columbus Dispatch, 7/6/2018)**

**Congressman Jim Jordan knew about sex abuse at OSU, former wrestlers say (Dayton Daily News, 7/6/2018)**

**Medical marijuana in Ohio: 8 key questions answered as the program nears (Dayton Daily News, 7/6/2018)**

**Ohio lawmakers respond to EPA chief resignation (Dayton Daily News, 7/6/2018)**

**Local dog breeders, retailers react to new anti-puppy-mill law (Toledo Blade, 7/6/2018)**

**Two Ballot Campaigns Spend Holiday Collecting Signatures (WOSU Public Media, 7/6/2018)**

## **EDITORIALS**

**Editorial: Statehouse security should be applied evenly to all (Columbus Dispatch, 7/6/2018)**

**Richard Cordray's Nazi analogy was an overreach (Toledo Blade, 7/6/2018)**

**Slavery in Ohio (Toledo Blade, 7/6/2018)**

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**Subject:** E-Clips for 7/6/2018

## HOUSE E-CLIPS

7/6/2018



### **OHIO UNSURE OF STATUS OF 2,300 STUDENTS FROM CLOSED E-SCHOOL**

Many of the students enrolled in Ohio's largest online charter school when it closed in January have transferred to other schools, but state officials don't know what happened with about 2,300 students.

### **OHIO NATIVE ANDREW WHEELER, FORMER COAL LOBBYIST, IS NEW EPA LEADER**

The new leader of the Environmental Protection Agency is a former coal industry lobbyist who helped lead an industry fight against regulations that protect Americans' health and address climate change.



### **DEWINE SAYS HANDS TIED ON PURSUING ECOT -- UNTIL TRIAL-COURT RULING**

Responding to critics questioning why it did not take action against ECOT founder Bill Lager years ago, the office of Ohio Attorney General Mike DeWine says its hands were legally tied until a lower court ruling in March.

### **OHIO LIBERTARIANS SUBMIT PETITION FORMS TO REGAIN MINOR-PARTY STATUS**

The Libertarian Party of Ohio expects its comeback to succeed, allowing the party to field candidates for governor, U.S. Senate and other offices this fall.

### **DEMOCRAT DANNY O'CONNOR LAUNCHES AD LINKING HIMSELF TO ... JOHN KASICH?**

In a bid to win the support of independents and moderate Republicans, Democratic congressional candidate Danny O'Connor has launched a 30-second TV commercial

featuring an endorsement from a Delaware woman who voted for Ohio Gov. John Kasich and President Donald Trump.

#### **EDITORIAL: STATEHOUSE SECURITY SHOULD BE APPLIED EVENLY TO ALL**

It is disappointing that Statehouse security officials and a two-term state representative haven't been able to resolve the lawmaker's allegation that she has been inappropriately hassled multiple times while trying to enter the building.

## **THE PLAIN DEALER**

#### **RIGHT-TO-WORK GROUP DEMANDS OHIO STOP COLLECTING UNION DUES FROM SOME STATE WORKERS**

A "right-to-work" advocacy group has threatened to launch a class-action suit against Ohio and 19 other states if they don't immediately stop deducting union dues from non-union public employees' paychecks following a recent U.S. Supreme Court ruling.

#### **OHIO DRUG TREATMENT AND REHABILITATION AMENDMENT COULD BE ON NOVEMBER BALLOT**

Supporters of a proposal to reduce penalties for nonviolent drug crime offenders submitted hundreds of thousands of signatures on Wednesday to put the measure on the November ballot.

#### **WHAT MEDICAL CONDITIONS CAN BE TREATED WITH MEDICAL MARIJUANA IN OHIO?**

The success of a state's medical marijuana program can hinge on what medical conditions qualify a patient for treatment with cannabis.

#### **OHIO LIBERTARIANS SEEK A RETURN TO THE BALLOT THIS YEAR**

After almost four years in the political wilderness, the Libertarian Party of Ohio is seeking to regain state recognition for the 2018 midterm election.

#### **'RIGHT-TO-WORK' GROUP THREATENS TO SUE OHIO AFTER SUPREME COURT RULING: CAPITOL LETTER**

Just due it: A "right-to-work" advocacy group has threatened Ohio with a lawsuit if it doesn't immediately stop collecting union dues from non-union state workers.

## **THE ENQUIRER**

#### **DIALYSIS TO DUELS: WHY OHIO KEEPS VOTING ON ODD, COMPLICATED BALLOT ISSUES**

Are you well-versed in kidney dialysis pricing? Do you understand how Medicaid pays for prescription drugs?

## **THE BLADE**

### **RICHARD CORDRAY'S NAZI ANALOGY WAS AN OVERREACH**

Republicans have pounced on Ohio Democratic governor candidate Richard Cordray for referencing Nazis in two recent rallies.

### **LOCAL DOG BREEDERS, RETAILERS REACT TO NEW ANTI-PUPPY-MILL LAW**

Richard Stroshine, co-owner of Stroshine's Studs and Buds in Northwood, is too familiar with the horrors of puppy mills.

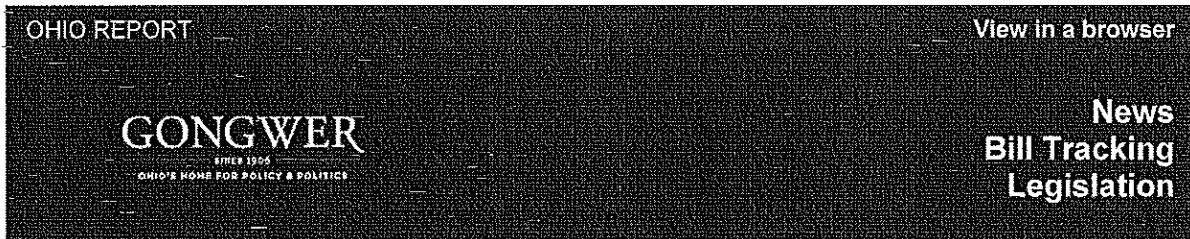
### **EDITORIAL: SLAVERY IN OHIO**

Former U.S. Attorney Steve Dettelbach is running for Attorney General of Ohio, in part, on the promise that he will focus on human trafficking.

### **EDITORIAL: REGISTER TO VOTE NOW**

If you haven't voted in a while, check to make sure you are registered.

**From:** Gongwer News Service  
**Sent:** Friday, July 6, 2018 5:55 PM  
**To:** Griffin, Lisa  
**Subject:** Ohio Report, Friday, July 6, 2018  
**Attachments:** Jul6.htm; 180706dayplan.htm; Jul9Schedule.htm; 180706plan.htm



## OHIO REPORT FRIDAY, JULY 6

**Payday Lending Proposal Slated For Rare Summer Action In Senate Next Week**

**State Touts Mental Health Parity With Managed Care Integration Of Behavioral Services**

**CAUV 'On the Road To Correction' Following Budget Changes, Group Says**

**Ed Board Expected To Debate, Vote On Third-Grade Reading Benchmark**

**Rover, FERC Staff Spar Over Land Restoration, Pipeline Operations**

**Public Comments Continue On State, Federal Lifeline Proposals**

**'Sweeping' Changes In Store After Federal Regulators Reject PJM Capacity Market Plans**

**Agency Briefs: Hurst To Replace Plouck At ODMHAS; U.S. Unemployment Rate Up; OSHP; ODNR**

**Burke Blasts Cordray's Medicaid Comments; Soybean Group Sounds Tariff Alarm; Boccieri Calls For More Local Funding**

**Case Remanded After Judge Cites Article In Sentencing; High Court Denies Stay Of Execution; Buckeye Institute Weighs In On Case...**

**Portman Sets Sights On Deferred Park Maintenance; Dems Welcome Pruitt's Exit; Ryan Tours Immigrant Facility**

**Capitol Scene: Child Caring Group Updates Name**

**Governor's Appointments**

**Supplemental Agency Calendar**

**Supplemental Event Planner**

## **CALENDARS**

**Day Planner**

**Legislative Committee Schedules**

**Event Planner**

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**Volume #87, Report #130 -- Friday, July 6, 2018**

**Payday Lending Proposal Slated For Rare Summer Action In Senate Next Week**

An expected legislative break is being cut short for the Senate as the chamber is set to return next week to continue its work considering a contentious overhaul of short-term lending laws.

The payday lending bill (HB 123) is slated for consideration by the Senate Finance Committee Monday and Tuesday, if necessary. The measure is expected to come up before the full Senate Tuesday morning.

The Finance Committee meetings are expected to be the only committee action of the week.

John Fortney, spokesman for Senate President Larry Obhof (R-Medina), said amendments are expected Monday or Tuesday.

What that language will look like remains unclear.

The committee spent much of last week hearing testimony on the measure and weighing potential changes offered by Sen. Matt Huffman (R-Lima).

Backers of the original language, which would limit fees and interest rates and require repayment to be capped at 5% of the borrower's income, balked at proposed changes in the Senate. (See Gongwer Ohio Report, June 21, 2018)

Proponents, including the Pew Charitable Trusts, voiced openness to some changes, such as increasing the allowable loan sizes and rates, that would still preserve the overarching framework. (See Gongwer Ohio Report, June 25, 2018)

Sen. Matt Dolan (R-Chagrin Falls) said this week he had prepared amendments to that effect but wasn't sure whether the committee would work from the House-passed language or from a framework outlined by Sen. Huffman.

"My amendments were directed toward 123 based on what I heard in terms of testimony and in terms of what could help within the structure of 123 to increase the costs a little bit to help out the lenders," he said in an interview.

Those discussions have included increased rates and allowable fees, including raising the limit on what a borrower can be required to pay back to perhaps as high as 10% of their income, Sen. Dolan said.

"That would obviously increase the ability for the borrower to borrow more money," Sen. Dolan said. "We're trying to find that fine line."

Supporters of the initial language have said raising the 5% income limit to perhaps 7% or 8% would be acceptable, but 10% could be too high.

Sen. Huffman's proposals would create a framework around the total costs of installment loans, limiting those to a per diem rate based on the size and duration of the loan. He has said the proposal would also cap the total principal amount a borrower could have out at any one time at \$2,500. (See Gongwer Ohio Report, June 26, 2018)

### **State Touts Mental Health Parity With Managed Care Integration Of Behavioral Services**

With the July 1 carve-in of behavioral health services in Medicaid into managed care, the state says it is now compliant with a 2008 federal law requiring parity for mental health and addiction services.

The departments of Medicaid and of Mental Health and Addiction Services released a report examining compliance by managed care plans in providing parity in patients' access to those services.

The state was initially scheduled to show compliance in October 2017 but received approval from federal regulators to wait until the July 1 integration of behavioral health services into managed care. (See Gongwer Ohio Report, June 28, 2018)

"That gave us the opportunity to have our implementation dates be the same as our carve-in," Medicaid Director Barbara Sears said in an interview.

The behavioral health integration is a separate effort from the work toward parity, but the state decided to have those dates coincide because of the way it framed its plan with the federal Centers for Medicare and Medicaid Services, said Patrick Stephan, director of managed care for ODM.

"What we didn't want to do was have to go through the process twice," he said. "Had we not connected this with our integration of behavioral health services into managed care, we would've had to have done it on the fee-for-service side."

Parity means managed care plans will be prevented from having cumbersome prior authorization requirements, limits on service days or other restrictions on mental health services that aren't used on physical health services, Mr. Stephan said.

"At its core, this act requires us to make certain that within Medicaid, and in this case within the managed care plans' administration of the benefit, that we do not have qualitative or quantitative requirements on mental health services that are more stringent than what you would get on the physical side," he said.

Mr. Stephan said the move toward managed care will also help ensure patients' access to mental health services because plans are required to provide that access and can incentivize providers in order to achieve it.

"In the fee for service side, we had very little ability to encourage new providers into the market," he said. "On the managed care side, we have standards that the plans must meet, and if they don't, then they get fined, they get penalized."

Lori Criss, CEO of the Ohio Council of Behavioral Health and Family Services Providers, said parity is key but questioned whether the system has actually achieved the goal.

"Fully implementing and robustly enforcing the Mental Health Parity and Addiction Equity Act of 2008 is critically important to ensure that Ohioans can understand and access the health insurance benefits rightly available to them," she said in a statement. "While we appreciate Ohio Medicaid's compliance report, the analysis appears to lack sufficient detail to support its broad conclusion without review of the underlying assessment documents."

Moving forward, the state will have to ensure parity standards are met, she said.

"The real test will be how well Medicaid promotes transparency and holds the plans accountable for the law's requirements," she said. "The Ohio Parity at 10 Coalition looks forward to working with lawmakers and the administration to raise awareness of the law's benefits to Ohioans, their families and employers."

#### **CAUV 'On the Road To Correction' Following Budget Changes, Group Says**

Budget language aimed at alleviating increased costs from rising Current Agricultural Use Values are having their intended impact, the Ohio Farmers Union told state officials recently.

The Department of Taxation each year holds a public hearing in June to brief farmers and interest groups on the latest values and to gather feedback on the subject.

In recent years, the meetings have been the site of much angst as some farmers grapple with sharp increases. During the 2014 tax year, the high watermark, increases were seen as high as 400%. (See Gongwer Ohio Report, June 2, 2017)

"We had tremendous increase in the CAUV values going back to 2008," said Ted Finnarn, attorney for the organization. "Because of (the changes), the CAUV values have come down and are heading back down to where they should have been."

But the latest meeting came and went with little fanfare, with the union providing the only testimony and praising the recent changes.

"We're finally on the road to correction," Mr. Finnarn said in an interview. "By the 2020 cycle, the CAUV values will be down so farmers have more reasonable taxes."

Gloria Gardner, assistant administrator for the department, said the statewide average value for cropland came in at \$1,015 per acre for tax year 2018, down about 27% from 2015 values which were \$1,388. The values are updated every three years as counties undergo their appraisal process.

"The values are dropping pretty significantly due to some of the changes that were in House Bill 49 in 2017 and this is the second year of implementing those changes," Ms. Gardner said. "The woodland values are also coming down."

The budget changes, which originated in the Senate, modified the factors to be used in computing the values and placed a ceiling on the taxable value of CAUV land if it is also used for conservation purposes. The changes were phased across two stages over a six year assessment cycle.

"We sort of had a perfect storm - all of these things coming together - and we had extremely high values that were unwarranted and unfair and unprecedented," Mr. Finnarn said. "Now we're on the road to having more reasonable real estate taxes for farmers and woodland owners."

Not all parties were pleased with the budget changes, however. School groups expressed repeated concerns with how the changes might impact their districts, forecasting a 30% reduction in farming property values that would shift the burden onto other property owners.

Barbara Shaner, advocacy specialist for the Ohio Association of School Business Officials, said those fears continue.

"We're still sorting out the results of the most recent information from the tax department but we also think we won't see the full effect for a few more years because not all the counties have undergone their reevaluation," Ms. Shaner said. "We remain concerned and we'll continue to monitor the way it's turning out."

### **Ed Board Expected To Debate, Vote On Third-Grade Reading Benchmark**

The State Board of Education is set to vote to increase the Third Grade Reading Guarantee promotion score next weekend at its monthly meeting.

A proposal to raise the benchmark students would need to meet on the Ohio State Test for third grade English and language arts from 672 to 677 was set for a possible vote by the panel's Achievement and Graduation Requirements Committee last month, but it ultimately delayed its decision. (See Gongwer Ohio Report, June 12, 2018)

The committee is once again scheduled to discuss the proposal at its 8:30 a.m. Tuesday meeting, with the full board expected to consider the resolution enacting the change later that day. The resolution is set for consideration as an emergency measure, so it would take effect before the start of the next school year.

The state board is required by law to review the third grade language arts benchmark and adjust it upward annually until it reaches 700, which indicates proficiency, according to a memo sent to committee members late last month by the Department of Education's legal staff.

Despite the requirement that the score increase, the committee balked at recommending the promotion score be set at 677 last month, with multiple members asking for more time to discuss the potential change with local school district officials.

District 4 board member Pat Bruns at the time said she was concerned raising the score could mean districts' improvements at teaching young readers would not be reflected in state report cards, sending a "false message" to community members.

An overview of the issue provided by ODE to the committee states that: "Because of the state law, the education community is expecting to see a modest increase in the promotion score. No one will be surprised by an increase."

ODE also argues the change in the overall language arts score from 672 to 677 corresponds to the smallest possible increase in the reading subscore, from 44 to 45.

"It is possible this change will not increase the number or percent of students who are retained. If there is a reduction in the number of students promoted, we would expect it to be small," the overview states.

At-large board member Laura Kohler, the committee's chairwoman, previously said she supports the plan to increase the benchmark to 677 because administrators and teachers have been preparing for it with increased aid from the state.

"We're looking at a different landscape than we were a couple of years ago with the supports that are in place," she said.

**Subscriber's Note:** The full agenda for the State Board of Education's Monday and Tuesday meeting is available online.

### Rover, FERC Staff Spar Over Land Restoration, Pipeline Operations

Rover Pipeline operators, long at odds with state regulators, are now amping up their frustration with their federal overseers.

In recent missives, Rover Pipeline LCC blasted Federal Energy Regulatory Commission staff for what it considers the commission's failure to authorize full operation of a major section of the controversial project. (See Gongwer Ohio Report, June 1, 2018)

The lack of action on FERC's part has left Rover "more than a little baffled," wrote Rover Senior Vice President Chris Sonneborn. But FERC staff said the delays are prompted by Rover's failure to restore land impacted by the project by a June 30 deadline. The

company in recent weeks has informed staff restoration efforts are likely to continue until "at least" July 30.

According to Rover, FERC staff in May authorized service to commence on a main segment of the pipeline called Supply Connector Line B. But in doing so, staff withheld granting in-service authorization for two laterals pending further review.

"As a result of staff's inaction, significant volumes of natural gas have been unable to flow on pipeline facilities that have been completed for nearly a month," Mr. Sonneborn wrote. "This is unfortunate, because...the incremental natural gas supply that would have been available to flow would have been used to offset the large deficit the nation is facing to replenish storage inventories in preparation for the 2018-2019 heating season...."

Failure to act soon, the company claims, is outside "the public interest." But FERC declined to be persuaded by the company's comments. Staff instead responded with a formal notice directing the company to complete outstanding restoration activities at those two Ohio sites.

"Because restoration of these facilities was not complete at the time of in-service authorization, Rover committed to completing the remaining restoration activities by specific dates," wrote John Wood, FERC's deputy director of the Office of Energy Projects. "However, commission staff monitoring certificate compliance believes that rover will be unable to meet a number of those commitments...."

As a result, staff directed Rover to take "prompt and immediate action" and to file prior to July 9 a detailed account of why the company cannot adhere to the agreed upon timetable.

"Neither the commission nor its staff takes lightly a pipeline's commitments to restore and rehabilitate affected lands," Mr. Wood said. "Accordingly, the commission expects pipelines to follow through on their commitments to restore and rehabilitate land and other resources disturbed by the construction of a certificated pipeline."

In response, Mr. Sonneborn issued a second letter this week leveling further attacks, accusing FERC staff of making "several inaccurate statements" toward the project and the company's willingness to fulfill its land restoration commitments.

"For the record, and as Rover has stated previously in this docket on numerous occasions, Rover will honor and meet all of its restoration commitments - whether those are scheduled to occur before or after Rover is fully in service," Rover wrote. "Any implication to the contrary is simply untrue."

Rover now is also accusing FERC staff of "a fundamental misunderstanding" of how the restoration process works.

"A company can supply ample resources, equipment, and personnel to restoration efforts; however, the variable of weather, and therefore the pace of restoration, is simply outside of any pipeline's control," Rover wrote. "There is no amount of planning or resources that can change the reality that on any major pipeline project there are always going to be changes to the restoration schedule due to events outside of the pipeline's control."

The company's public pushback accusing FERC of stating falsehoods is much like the back-and-forth Rover has engaged in with the Ohio Environmental Protection Agency. Rover and the OEPA have engaged in a months-long back-and forth with Rover accusing OEPA of cooperating with the company in private but taking an adversarial approach in public.

That tiff ultimately led to a lawsuit filed by the state, which Rover and several other defendants have filed to dismiss. (See Gongwer Ohio Report, March 5, 2018)

### **Public Comments Continue On State, Federal Lifeline Proposals**

Stakeholder groups and citizens are continuing their efforts to thwart state and federal proposals that would eliminate in whole or in part a federal discount program for low-income customers.

At the state level, AT&T is proposing to discontinue its participation in the federal Lifeline program-- which grants eligible customers a \$9.25 monthly credit - in areas in which another provider operates that service.

But the Public Utilities Commission of Ohio has yet to approve that plan and in recent days has urged the public to weigh in via written feedback.

Meanwhile, the Federal Communications Commission is weighing a similar but more far-reaching plan that would largely eliminate the resource for a swathe of customers across the country. (See Gongwer Ohio Report, February 23, 2018)

In the PUCO case, comments have been submitted from a handful of citizens as of Friday, each urging the commission to deny AT&T's plan and maintain the program.

Several commenters described themselves as licensed social workers working with elderly populations. Others are customers who benefit from the program and who labeled the company's attempt to cut it "indefensible" and "abhorrent."

AT&T, for its part, has emphasized that no Ohio customer will lose voice service through the move but will instead receive it at the standard rate. Customers are free, it said, to receive the Lifeline discount from other providers in those areas.

The move "will have only a nominal impact on Ohio consumers who have demonstrated a clear preference for obtaining their Lifeline discount from (companies) other than

AT&T," the company said. "Over the past eight years, AT&T has seen its own Ohio Lifeline subscribership shrink by 94%."

Advocates, though, caution the move would strip vulnerable Ohioans of a valuable resource. The Ohio Consumers' Counsel and the Greater Edgemont Community Coalition are among those protesting the idea. In part, they've urged commissioners to solicit public input and take the federal case into consideration. (Docket)

In the federal case, the Federal Communications Commission is proposing changes critics say will erect more barriers for Lifeline consumers nationwide. There are about 608,000 total subscribers in Ohio, according to proponents of the program.

The PUCO and the Ohio Consumers' Counsel are among parties that have submitted comments in opposition to the federal proposal.

Under the proposed changes, eligible consumers must enroll online first through a third-party verifier and then through a specified carrier. Currently, the customer can enroll directly through their provider.

Proponents of the Lifeline program this week were denied a stay in the case when regulators determined the parties were unlikely to prevail on the merits and would not suffer irreparable injury.

In response, Q Link, the nation's third-largest Lifeline provider, on Thursday filed an emergency motion that if approved would enact additional changes to enable carriers to collect customer information directly from the third-party verifier.

Q Link serves about 40,000 Lifeline customers in Ohio. Sixty-seven percent reside in rural or suburban areas and 82% are new to Lifeline, which the company said indicates they were previously unserved by and may not have access to other providers.

"The...proposed change will be unnecessarily difficult and confusing for consumers," said Q Link CEO Issa Asad in a statement. "Beyond the impact on rural Americans, which will be significant, the new system's failure to include automated links with carriers will unnecessarily cost taxpayers tens of millions of dollars."

### **'Sweeping' Changes In Store After Federal Regulators Reject PJM Capacity Market Plans**

Federal regulators voted along party lines recently to toss aside two proposals from PJM Interconnection to revamp the capacity market, paving the way for a potentially drastic shake up in the months ahead.

PJM in April submitted two competing proposals for FERC's consideration on how to best overhaul the market. But in the end, the commission's 3-2 order went far beyond simply rejecting the proposals and instead paves the way for what one dissenting

commissioner labeled "sweeping" changes for the grid operator that serves 13 states. (See Gongwer Ohio Report, May 7, 2018)

In short, the commission determined subsidies for renewable and nuclear sources have rendered PJM's current tariff "unjust, unreasonable and unduly discriminatory" in that it fails to ensure adequate competition. FERC is now proposing to expand the minimum offer price rule - which enacts a screening process to gauge the competitiveness of new resources - among other changes.

"We find...the PJM Tariff allows resources receiving out-of-market support to significantly affect capacity prices in a manner that will cause unjust and unreasonable and unduly discriminatory rates in PJM regardless of the intent motivating the support," the majority wrote. "We are compelled...to conclude that out-of-market payments by certain PJM states have reached a level sufficient to significantly impact the capacity market clearing prices and the integrity of the resulting price signals on which investors and consumers rely to guide the orderly entry and exit of capacity resources."

Stakeholder groups in Ohio and beyond are still parsing the details of the 106-page order, but they have a short timetable to digest its ramifications. After the 60-day comment window, parties have 30 days for reply comments after which FERC wants to reach a solution.

PJM issued a statement stating its pleasure that FERC is taking action.

"The order appears to be a positive step to change competitive electric market design while recognizing the important role states play in influencing the resource mix through retail energy policies," according to PJM. "We will begin work immediately to develop the kind of bifurcated capacity construct envisioned by the commission and actively engage stakeholders, including the states, within the timetable laid out by the commission."

But FERC's two Democratic members issued scathing dissents regarding the substance of the order and the timeline laid out by the majority.

"Let's be clear: through its action today, the majority signals its intent to adopt, through a 90-day paper hearing, the most sweeping changes to the PJM capacity construct since the market's inception more than a decade ago," Commissioner Cheryl LaFleur wrote in her dissent. "If ultimately adopted, this proposal would fundamentally rebalance the resource adequacy responsibilities of the states, the commission, and PJM."

Commissioner Richard Glick said the commission in its order "entirely fails" to demonstrate its claims the market is unjust and further criticized the timeline.

"Requiring interested parties to decipher today's order, develop testimony, gather evidence, and meaningfully respond within 60 days is irresponsible," he said. "On top of that, this short timeframe essentially guarantees that PJM will not be able to work with the states to develop a proposal that aligns with state policies."

## **Agency Briefs: Hurst To Replace Plouck At ODMHAS; U.S. Unemployment Rate Up; OSHP; ODNR**

Dr. Mark Hurst will replace Tracy Plouck as director of the Department of Mental Health and Addiction Services next week as Ms. Plouck, a longtime administration official, leaves for the private sector.

Gov. John Kasich announced Dr. Hurst's appointment Friday. He will take over the department effective July 13.

Ms. Plouck has been in Gov. Kasich's cabinet since 2011 and has twice served as state Medicaid director. She also served as deputy director in the Department of Developmental Disabilities and the Office of Budget and Management.

"I'm extremely grateful to Tracy Plouck for her leadership, compassion, counsel and service to Ohio," Gov. Kasich said. "She has a servant spirit and exemplifies the best in public leadership. She is a model for other leaders to follow and I wish her and her family all the best in this new chapter of their lives."

Dr. Hurst has served as medical director at ODMHAS since 2012 and has been at the department since 1993.

"Dr. Hurst's leadership, insights and compassion have distinguished him as a valuable member of our team and contributed mightily to the progress Ohio is beginning to make against addiction and to lift up our fellow Ohioans struggling with mental illness," Gov. Kasich said in a statement. "I appreciate that he's agreed to take on this responsibility. The work ahead is monumental and the challenges will continue to shift, but his leadership has been-and will continue to be-an enormous asset in Ohio's efforts in these areas."

**Unemployment:** The U.S. added 213,000 jobs in June despite a loss of jobs in retail trade, but the unemployment rate rose to 4% as more people re-entered the labor force, the Bureau of Labor Statistics reported Friday.

The unemployment rate rose by 0.2 percentage points to 4% as the number of unemployed people rose by nearly 500,000 to 6.6 million, the BLS reported.

The overall labor force grew significantly, rising by 601,000, with the labor force participation rate rising 0.2 percentage points to 62.9%, the report said.

The survey found job gains of 50,000 for the month in professional and business services. Manufacturing employment grew by 36,000, mostly in durable goods manufacturing, including fabricated metal products (+7,000), computer and electronic products (+5,000) and primary metals (+3,000).

Motor vehicles and parts manufacturing bounced back from a loss of 8,000 jobs in May with a gain of 12,000 in June, the report found.

Health care employment was up 25,000 for the month, construction was up 13,000 and mining was up 5,000.

Retail trade lost 22,000 jobs, a month after seeing a gain of 25,000 in May.

**State Highway Patrol:** The patrol reported eight people were killed in four deadly crashes during the Fourth of July reporting period Tuesday and Wednesday. Impairment was a factor in at least one of the deadly crashes.

During last year's reporting period, from June 30 to July 4, there were 21 fatal crashes that killed 21 people, including eight OVI-related crashes, the patrol said.

Troopers made 296 impaired driving arrests and 276 arrests on drug charges. They responded to 297 crashes and assisted more than 2,000 motorists.

"When someone chooses to drive impaired the consequences can be deadly," Patrol Superintendent Col. Paul A. Pride said in a statement. "That's why troopers make OVI enforcement a priority, whether they're patrolling during a holiday weekend or any time of day. Motorists should always pre-plan a sober way home."

**Natural Resources:** The department's officers and partnering agencies issued 102 citations and 895 warnings last weekend during Operation Dry Water, a nationwide crackdown on impaired boating.

There were three boating-related fatalities in Ohio during the weekend, the ODNR said.

ODNR officers and partners contacted 3,500 boaters on 1,261 vessels for various violations during the crackdown.

The Division of Oil and Gas Resources Management reported that 2,840 permits had been issued for drilling in the Utica shale as of June 30, with 2,370 wells drilled and 1,904 in production.

### **Burke Blasts Cordray's Medicaid Comments; Soybean Group Sounds Tariff Alarm; Boccieri Calls For More Local Funding**

A lawmaker on Friday accused Democratic gubernatorial candidate Richard Cordray of either lying about or not understanding the issue of Medicaid expansion.

Sen. Dave Burke (R-Marysville), who chairs the Senate Health, Human Services & Medicaid Committee, accused Mr. Cordray of twice in the past week saying that 26,000 children could be impacted if Medicaid expansion were rolled back.

However, Sen. Burke said in a statement that the expansion covers only childless adults.

"Richard Cordray continues to make Medicaid expansion a key part of his campaign for governor, but his statements over the past week prove he does not understand Ohio's Medicaid program. Cordray's comments in the media show he is either unprepared to be governor, or that he is willing to blatantly lie and use fear tactics to scare Ohioans into voting for him," he said.

"Medicaid comprises over 50% of Ohio's annual budget. If Richard Cordray doesn't understand such a key part of the state budget, then Ohioans simply cannot trust him to sit in the governor's office. Richard Cordray is making promises, and this week he's proven to us that that he doesn't know how he would keep them, even if he wanted to."

In response, the campaign of Mr. Cordray cited a 2016 report from the Georgetown University Center for Children and Families that credited Medicaid expansion for 26,000 children gaining insurance coverage from 2013-2015.

**Tariff Concerns:** The Ohio Soybean Association is sounding the alarm about retaliatory tariffs China has placed on American soybeans. The tariffs kicked in Friday in response to tariffs enacted by the Trump Administration that same day on an array of Chinese goods.

The group in a statement said 61% of all soybean exports go to China, which accounts for about \$14 billion annually in sales.

"This doesn't only hurt Ohio farmers, it will hurt the entire Ohio economy," said Allen Armstrong, OSA president and soybean farmer from Clark County. "We continue to believe that solutions can be found that do not involve tariffs and a trade war that will hurt all of rural America."

**Local Funding:** A new report by the Brookings Institute has led to a renewed call for more local government funding.

The report found that from 2010-2017, three Ohio cities ranked in the top 20 in population decline: Youngstown (19), Toledo (12) and Cleveland (5).

Rep. John Boccieri (D-Alliance) in a statement called for additional funding for local governments to stem the tide of population loss.

"You can push the responsibility of raising revenue to the lowest layers of government while sending more and more to state government," he said. "As elected officials, we have a duty to work together to get things done - regardless of who is in charge."

#### **Case Remanded After Judge Cites Article In Sentencing; High Court Denies Stay Of Execution; Buckeye Institute Weighs In On Case...**

A federal district court judge erred in doubling a man's sentence after citing a Cleveland.com article on opioid overdoses, the Sixth Circuit Court of Appeals ruled recently.

Marcus Fleming in July 2016 was pulled over by Canton police and found to be carrying nearly 1,000 grams of cocaine.

Based on federal sentencing guidelines, the prosecution recommended five years in prison for Mr. Fleming.

However, at the sentencing hearing Judge John Adams cited the article before handing down a 10-year sentence.

Mr. Fleming argued he was prejudiced by the use of the article because he did not know it would be cited at the sentencing hearing and he was not provided an opportunity to address the issues raised.

The Sixth Circuit agreed, finding the sentence was rendered in a procedurally unreasonable manner.

"The district court's consideration of information about mixed cocaine-opioid overdose deaths was a surprise because, before the sentencing hearing, there was no indication that opioids were relevant to this case, let alone that they would play a prominent role. Fleming was convicted for possession of cocaine, not opioids," Judge John Rogers wrote in the court's decision.

"Nothing in the record suggested that opioids were found in Fleming's car, or that Fleming had ever sold or possessed opioids, or even that any cocaine Fleming sold had ever been mixed with opioids. Of course, opioids have been a topic of grave public concern in recent years, as their devastating and tragic effects have been felt across the country. But it was far from apparent that they were relevant to Fleming's sentence for possession of cocaine."

Judge Rogers was joined by Judge Raymond Kethledge and Judge Damon Keith in his decision.

The case is remanded back to the district court for sentencing.

**Stay Denied:** The Ohio Supreme Court has declined to stay the execution of a man set to be put to death this month.

In a unanimous ruling the court declined to stay the July 18 execution of Robert Van Hook.

He is on death row after being convicted of the 1985 murder of David Self.

**Judicial Deference:** The Buckeye Institute has filed an amicus brief in a case that could end judicial deference to executive agencies' interpretations of the law.